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Tunisia*

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Introduction

1. In line with the international obligations of Tunisia relating to the universal periodic review, and following the submission of its reports in 2008 and 2012 and its midterm progress report in 2014, the National Commission for the Coordination, Preparation and Submission of Reports and Follow-up to Recommendations on Human Rights prepared this report.

2. The report highlights the legal, institutional and practical initiatives undertaken by Tunisia with a view to promoting, protecting and implementing human rights from 2012 until the date of submission of this report, taking into account the recommendations and concluding observations of diverse United Nations human rights mechanisms.

The methodology used

3. In line with the guiding principles for the preparation of this report, the National Commission adopted a participatory approach and held consultations with representatives of civil society organizations, independent societies and other national bodies. For instance, it held a consultation meeting with representatives of an alliance of associations led by the Tunisian Association for Reproductive Health on 16 November 2016 (annex 1); a national consultation in Tunis on 1 December 2016, to which many associations and organizations were invited (annex 2); a regional consultation in the Governorate of Sidi Bouzid and neighbouring governorates on 2 December 2016 (annex 3); and a dialogue with the Higher Committee for Human Rights and Basic Freedoms on 6 January 2017. The Commission concluded the participatory process by organizing a national consultation in Tunis on 20 January 2017 on the first draft of the report. The adoption of this approach led to more intensive joint action and support for the principle of participatory democracy enshrined in the Constitution (annex 4).

I. The legal and institutional framework for the protection and promotion of human rights

A. The legal framework

1. The constitutional framework

4. The political and administrative system: In January 2014, the National Constituent Assembly adopted the Tunisian Constitution, which established a republican system of participatory democracy based on citizenship, the will of the people, the rule of law, and respect for human rights and freedoms, which the judiciary is mandated to protect from all violations. In addition, the Constitution regulates the legislative, executive, judicial and local authorities and specifies the nature of the relations among them.[1]

5. Constitutionalizing human rights and the regulations restricting them: The National Constituent Assembly included human rights and freedoms in the 2014 Constitution with a view to endowing them with constitutional status. The law merely specifies the applicable regulations, while complying with the detailed conditions laid down in the Constitution. Thus, the Constitution stipulates that[2] the State guarantees freedom of conscience and belief, and the free exercise of religious practices. Chapter Two enshrines civil, political, economic, social and cultural rights, the right to development and individual and collective freedoms. Citizens are recognized as having equal rights and duties without discrimination, and the Constitution guarantees the rights of women, children and persons with disabilities. It states that the right to life is sacred and cannot be violated save in extreme cases specified by law. The State is required to protect human dignity and physical integrity, and to prohibit mental and physical torture. In addition, crimes of torture are not subject to a statute of limitations. The Constitution protects the right to privacy, the inviolability of the home, and the confidentiality of correspondence, communications and personal

information. All citizens are guaranteed the right to choose their place of residence and to move freely within the country as well as the right to leave the country. Citizens may not be deprived of their nationality, exiled, extradited or prevented from returning to their country. The right to political asylum in accordance with the law is guaranteed and no one who has been granted asylum may be extradited. The Constitution also states that accused persons are presumed to be innocent until their guilt is proven in a fair trial that provides all guarantees required for their defence throughout the stages of investigation and trial. Freedom of opinion, thought, expression, information and publication are guaranteed, and such freedoms are not subject to prior monitoring. The State is required to guarantee the right to information and the right of access to information.

6. The Constitution guarantees the right to vote, to elect and to stand for election, and women's right to representation in elected bodies. It guarantees freedom to establish political parties, trade unions and associations, the right to strike, and freedom of association and peaceful assembly. The Constitution also guarantees the right to health and social welfare, the right to free public education and the right to work. It guarantees the right to intellectual property, the right to culture, freedom of creative expression and to protection of the cultural heritage, including for future generations, and it requires the State to promote sports. It protects the right to water and to a safe and balanced environment, and the right to participate in action to protect the climate.

7. No amendment may undermine the human rights and freedoms guaranteed in the Constitution. The restrictions that may be imposed on rights and freedoms guaranteed by the Constitution should be established by law and should not detract from their substance. Such restrictions should be imposed solely with a view to meeting the needs of a civil and democratic State, or protecting the rights of others, public security, national defence, public health or public morals. Moreover, the restrictions should be proportionate to the objectives sought. The judicial authorities are required to ensure that rights and freedoms are protected from all violations, and to guarantee the administration of justice, the supremacy of the Constitution and the rule of law.[3]

2. Ratification of international instruments and cooperation with United Nations mechanisms

8. Article 20 of the Constitution states that international treaties approved and ratified by the Assembly of the Representatives of the People have primacy over national legislation but not over the Constitution. Such treaties may therefore be imposed directly by the judiciary. Tunisia has ratified 14 out of 18 international treaties and has withdrawn its reservations.[4] In 2011 Tunisia issued an open invitation to the special procedures and has hosted 15 visits since then by special rapporteurs and working groups, including 10 during the past four years (annex 5).

9. The National Commission for the Coordination, Preparation and Submission of Reports and Follow-up to Recommendations on Human Rights was established with a view to addressing delays in the submission of United Nations reports and implementing best practices in that regard (annex 6).[5] It is a standing Commission attached to the Prime Minister's Office, is composed of representatives of all ministries and is chaired by the Minister responsible for human rights. During 2016 Tunisia presented its reports to the Committee on Enforced Disappearances,[6] the Committee against Torture[7] and the Committee on Economic, Social and Cultural Rights.[8] It updated its common core document and submitted it to the secretariat in September 2016.

10. Tunisia supports the efforts of the Human Rights Council to develop human rights standards by participating in the drafting of resolutions such as those concerning freedom of expression on the Internet, the protection of journalists, civil society space, democracy and human rights, and protection of the family. It has also sponsored a number of resolutions concerning human rights defenders, the right to freedom of peaceful assembly, the right to development, and the elimination of violence against women and racial discrimination. As a member of the Council, Tunisia will endeavour to promote the achievement of its goals and to support all initiatives and resolutions aimed at protecting and promoting human rights.

11. The Office established in Tunisia by the Office of the United Nations High Commissioner for Human Rights (OHCHR) played a role in promoting cooperation with the international human rights system by providing substantive and technical support to all stakeholders.

12. Tunisia has permitted many international NGOs to establish offices in the country such as Human Rights Watch (HRW), the Geneva Centre for the Democratic Control of Armed Forces (DCAF) and the World Organization against Torture (OMCT).

3. The legislative framework

13. Tunisia is seeking to align national legislation that has a bearing on human rights with the Constitution and its international obligations, as will be demonstrated throughout this report.

B. The institutional framework for the protection and promotion of human rights

1. The role of the Assembly of the Representatives of the People

14. The National Commission for the Coordination, Preparation and Submission of Reports and Follow-up to Recommendations on Human Rights reports to the Assembly of the Representatives of the People. It is a standing Commission that discusses relevant bills before they are forwarded to the plenary for deliberation and enactment. Texts concerning rights and freedoms constitute organic acts that are adopted by an absolute majority of members of the Assembly of the Representatives of the People.

2. The role of the judiciary

15. The Constitution states that the judiciary is an independent authority, that judges are independent and subject only to the law in discharging their functions, and that nobody may interfere with the functioning of the judicial system. The Constitution also provides for a number of safeguards. Furthermore, for the first time in the history of the Tunisian judiciary, all its components (judicial, administrative and financial) are combined in a single body designated the Supreme Judicial Council.[9]

16. In 2013 a temporary body was established to oversee the judicial system pursuant to an Organic Act (annex 7). It oversaw judicial procedures during the period 2013-2016, while the Supreme Council of the Administrative Court and the Supreme Council of the Accounting Department continued to function under the supervision of the Prime Minister. The mandates of the temporary body and the two Councils ended when the composition of the Supreme Judicial Council established under the Constitution was completed.

17. On 23 October 2016, the Independent High Authority for Elections supervised the election of members of the Supreme Judicial Council. Fifty-four per cent of the 32 elected members were women. The elected members and those appointed on the basis of their existing functions were sworn into office in the presence of the President of the Republic on 14 December 2016. The Council has not yet begun to perform its duties owing to divergences in the interpretation of the applicable legal text (annex 8).

18. Article 110 of the Constitution provides for the establishment of military courts and prohibits the establishment of courts with exceptional status. It states that the military courts have jurisdiction to rule on military crimes. A technical committee is currently reviewing the legislation governing the military court system and the statute applicable to military judges in order to align them with the Constitution and international norms guaranteeing the independence of the judiciary, and in order to establish rules guaranteeing a fair trial, in accordance with article 149 of the Constitution.

19. The independence of the military judiciary has been supported[10] by a set of reforms designed to enhance the guarantees of a fair military trial (the principle of two-level litigation, the right to sue for damages and to institute a prosecution on one's own responsibility, and alignment of the procedures adopted in the military courts with the

provisions of the Code of Criminal Procedure). In addition, a Military Judicial Council has been established and a statute applicable to military judges has been developed. It provides for the independence of the Military Prosecutor's Office from the executive in instituting a prosecution, and abolishes the procedure whereby a military court quorum is met by appointing military personnel who are not judges.

3. Independent constitutional bodies[11]

20. The 2014 Constitution devotes a special chapter to independent constitutional bodies and requires all State institutions to facilitate their work. They seek to support democracy, are endowed with legal personality and enjoy administrative and financial independence. They are elected on the basis of a qualified majority. The Constitution states that the law shall establish the composition and internal representation of the bodies in question, their electoral and organizational procedures, and procedures for ensuring their accountability. In May 2016 a governmental legal initiative was submitted to the Assembly of the Representatives of the People concerning an organic bill on common provisions applicable to independent constitutional bodies.

- **The Independent High Authority for Elections**

21. This body is responsible for the management, organization and supervision of elections, and for ensuring their sound conduct, fairness and transparency. The Authority is organized pursuant to an Organic Act,[12] its officials have been assigned a special status to facilitate their tasks and it has been allocated an independent budget. The Authority supervised the 2014 parliamentary and presidential elections. It has also issued a strategic plan for the period 2016-2019.[13]

- **The Audiovisual Communication Authority**[14]

22. It is responsible for adapting and developing the audiovisual communication sector, guaranteeing freedom of expression and promoting pluralist and impartial communication media. It will replace the Independent High Authority for Audiovisual Communication.[15] The Government is currently preparing a legislative initiative for the purpose.

- **The Good Governance and Anti-Corruption Authority**[16]

23. This body will be involved in formulating the Government's good governance policy, in monitoring its implementation, in spreading a culture of good governance, and in preventing and combating corruption with a view to promoting principles of transparency, integrity and accountability. It will replace the National Anti-Corruption Authority.[17] The Government prepared a legislative initiative, engaged in consultations concerning it, and submitted it to the Council of Ministers in late 2016 pending its referral to the Assembly of the Representatives of the People. The Assembly is currently discussing an organic bill concerning disclosure of corruption and protection of informants.

- **The Authority on Sustainable Development and the Rights of Future Generations**

24. The Authority will be consulted on bills concerning economic, social and environmental issues and on development plans. The Government is currently preparing a legislative initiative for the purpose.

- **The Human Rights Commission as a national institution for the protection and promotion of human rights**

25. Its mandate consists in monitoring respect for and promotion of human rights and freedoms and submitting proposals for developing the human rights system. It must be consulted on bills that fall within its mandate. It will investigate cases of human rights violations with a view to resolving them or referring them to the competent authorities. The Commission will replace the High Committee for Human Rights and Fundamental Freedoms, which was established in 1991 and which fails to comply with the Paris Principles. The latter made a number of contributions to the preparation of this report (annex 11). The Government submitted a legislative initiative in June 2016 to the Assembly of Representatives of the People consisting of an organic bill on the Commission, which

was drafted on the basis of a participatory approach involving stakeholders in the field of human rights (annex 12).

4. **Other independent bodies: The following independent bodies have been established since 2012:**

- **The National Authority for the Prevention of Torture**[18] (annex 13)

26. It was established in response to the obligations incurred by Tunisia on ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It has wide-ranging powers and authority with respect to all places of detention. Its members were elected by the Assembly of Representatives of the People and were sworn in on 5 May 2016. They are currently awaiting the publication of provisions applicable to the Commission.

- **The Truth and Dignity Commission**[19]

27. The Commission was established pursuant to Organic Act No. 53 of 2013 concerning the establishment and organization of transitional justice (annex 14). It is tasked with implementing the provisions of the Act, and the period covered by its mandate extends from 1 July 1955 to the date of enactment of the Act. It has been discharging its functions since the election of its members by the National Constituent Assembly in May 2014, and it has been allocated an independent budget to perform its duties.

- **The Commission on Access to Information**

28. It was established[20] to ensure the proper implementation of this provision of the Constitution. The Assembly of Representatives of the People has called for the nomination of candidates for election of its members (annex 15). It will seek to guarantee the right of all natural or legal persons to have access to information in the possession of the bodies responsible for supervising public facilities by examining complaints against decisions by the authorities to deny access to such information.

II. The promotion and protection of human rights on the ground

A. Measures to reform the judicial system

29. In 2012 the Ministry of Justice adopted the Strategic Plan to Reform the Judiciary (2012-2016), the purpose of which is to support the independence of the judiciary and to respond to the expectations of litigants (annex 16).[21] Furthermore, in 2013 the Ministry conducted a national consultation, in cooperation with the United Nations Development Programme (UNDP), on reform of the judicial system. It presented the results of its work and its proposals in December 2013. Drawing on the outcome, the Ministry adopted an Action Plan in 2014 to reform the judicial and prison system during the period 2015-2019.[22]

30. With a view to implementing the plans, the Ministry of Justice joined a number of programmes financed by the European Union, for example: the Support for Partnership, Reforms and Inclusive Growth programme (SPRING), which supports reform of the judiciary in structural and human terms and the establishment of an independent judicial system; the Judicial Reforms Support Programme (PARJ); the Council of Europe programme run by the European Commission for the Efficiency of Justice (CEPEJ), which seeks to develop and enhance the capacities of the Court of Cassation and five other pilot courts; and the programme on "Strengthening Democratic Reform in the Southern Neighbourhood", which supports the democratic and judicial reform process and promotes the independence and efficiency of the judiciary. In addition, the Ministry has created committees tasked with drafting statutes applicable to judges of the ordinary, administrative and financial courts and to other legal professions. In light of judges' mandate to investigate complex and hazardous crimes, specialized judicial authorities have been created, such as: the Counter-Terrorism Judicial Authority[23] (annex 16) tasked with investigating all terrorist crimes defined in the relevant legislation and related offences; and the Economic and

Financial Judicial Authority[24] (annex 17), which is authorized to develop precise definitions of economic offences and to specify investigation and prosecution procedures.

B. Development and building of capacities in the area of human rights

31. The aim of disseminating a human rights culture in Tunisia is enshrined in article 39 of the Constitution. The following measures have been taken to that end.

32. With regard to the judiciary, since 2012 the Higher Institute of the Judiciary has provided human rights training for 964 legal officers. It also organized, in cooperation with OHCHR, 14 training courses for practising judges in 2014 and 2016. Each course was attended, on average, by 60 judges. As part of the programme to support the development of the judiciary, a partnership agreement was signed, in cooperation with the European Union, on development of the structure of the Higher Institute of the Judiciary and of its human resource, educational and scientific capacities. In addition, the Ministry of Justice has organized courses for practising judges and public prosecutors based on bilateral cooperation agreements.

33. With regard to prison staffing and reforms, the basic public training programme of the human rights module for prison staff has been updated and aligned with international human rights norms applicable to penitentiary units.

34. In 2013 the International Committee of the Red Cross (ICRC) organized an on-site training course. In addition, as part of its ongoing cooperation with the Ministry, OHCHR organized a series of training courses on behalf of 1,611 officials. In the context of the partnership between the Ministry of Justice and the Ministry responsible for children, eight training courses in the development of a child rights culture and the elimination of violence against children were organized in 2015 and 2016. They were attended, on average, by 22 officials working in direct contact with children.

35. The Ministry of the Interior continues to build the capacity of the internal security forces through training courses based on international norms and on national constitutional and legislative provisions relating to human rights and fundamental freedoms. It cooperated with the Council of Europe, OHCHR, the United Nations Educational, Scientific and Cultural Organization (UNESCO), ICRC, the Geneva Centre for the Democratic Control of Armed Forces, and other bodies. In December 2015 the United Nations Counter-Terrorism Implementation Task Force organized a training course on countering terrorism while respecting human rights on behalf of the forces responsible for internal security and the protection of civilians. It focused on monitoring and protective mechanisms, a moral and legal code of conduct for police officers, human rights, the prohibition of torture, and international arrest and detention standards. Steps are being taken to develop curricula for national security colleges and to establish a police academy.

36. With regard to the Ministry of Defence, a number of military judges have received training in international humanitarian law within the country and abroad. For example, they attended training courses at the International Institute of Humanitarian Law in San Remo, Italy, during the period 2013-2016, and courses at the Partnership for Peace Training Centre in Ankara on human trafficking during the past four years. They also attended the twenty-first Arab training course in international humanitarian law held in Tunis in April 2016. The Ministry organized training courses and the Tunis Seminar on international humanitarian law in the School for the Application of Military Health Services in 2012, 2013, 2014 and 2015. It participated in August 2014 in a presentation in Tunis in 2014 by an ICRC armed forces delegate of procedures for cooperation between the Ministry of Defence and ICRC. It is also arranging for instruction in human rights and international humanitarian law for specific groups in diverse military training schools, and for the publication of guidelines and booklets on international humanitarian law.

C. The process of transitional justice

37. Organic Act No. 53 of 2013 regulated areas of transitional justice, such as disclosure of the truth, preservation of memories, accountability, compensation for damages, rehabilitation, reconciliation and institutional reform. It established the Truth and Dignity Commission which, on commencing its duties, adopted a guidebook on arbitration and reconciliation measures (2015) and a guidebook on research and investigation (2016).[25] It received 62,326 complaints and petitions prior to the deadline for submission and held 13,165 hearings for victims. It also broadcast public hearings in the media on 17 and 18 November and 14 and 15 December 2016 and on 14 and 26 January 2017. Criminal divisions specializing in transitional justice were established in the lower courts attached to the courts of appeal[26] (annex 18). The Temporary Judicial Authority[27] assigned a number of judges to the criminal divisions specializing in transitional justice in the aforementioned lower courts for the purpose of examining transitional justice cases.

38. The Ministry of Justice is currently cooperating with the Truth and Dignity Commission, the Temporary Judicial Authority, OHCHR and the United Nations Development Programme (UNDP) on the production of operating guidelines for the criminal divisions specializing in transitional justice. It should be noted that, prior to the establishment of the Commission, compensation was provided to injured persons and to the families of persons who died during the revolution, and advance payments were made to persons who were granted a general amnesty whose requests for compensation were deemed to require an expeditious response (annex 19).

39. Furthermore, the military justice system addressed crimes committed against demonstrators and protectors during the revolution of 17 December 2010 to 14 January 2011, as the regular justice system refrained from addressing them. It launched investigations into a number of the crimes committed, including intentional and premeditated homicide, intentional homicide and intentional infliction of injuries. Convictions were handed down against a number of security force leaders and officers and against field officers. The courts handed down sentences of material compensation to the families of martyrs and to persons injured during the revolution. The cases are still pending before the Military Appeal Court, since the initial judgments appealed against were quashed by the Court of Cassation and referred to a different court. In addition, the military justice system is prosecuting perpetrators of human rights violations against soldiers under the previous regime in the so-called "Barraket Essahel" affair. Convictions were handed down in some ongoing cases and the sentences included compensation for the victims of the violations. The court rejected the defence argument based on the statute of limitations because material and legal obstacles had prevented the victims from prosecuting the perpetrators when the crimes were committed in 1991.

D. Combating torture

40. According to article 23 of the Constitution, the State protects human dignity and physical integrity, and prohibits mental and physical torture. Article 29 states that no person may be arrested or detained unless he or she is apprehended during the commission of a crime or on the basis of a judicial order. Persons must be immediately informed of their rights and the charges against them, and they have the right to appoint a lawyer. Article 30 guarantees the right of all prisoners to humane treatment that preserves their dignity. In enforcing a penalty involving deprivation of liberty, the State is required to take into account the interests of the family and to seek the rehabilitation and reintegration of the prisoner into society. The Constitution also enshrines the principle that the crime of torture is not subject to any statute of limitations, a principle which is also reflected in article 24 of the Organic Act establishing the National Authority for the Prevention of Torture.

41. In addition, the Organic Act[28] amending some articles of the Code of Criminal Procedure, which entered into force at the beginning of June 2016, provides a basic guarantee of the prevention of torture, inasmuch as it reduces the legal period of confinement and grants suspects the right to have a lawyer present during the initial interrogation and to request a medical examination (annex 20).

42. At the practical level, the Ministry of the Interior, in cooperation with a number of international and national organizations, such as the Swiss Association for the Prevention of Torture (APT), the World Organization against Torture (OMCT), OHCHR and ICRC, organized workshops, training courses and study sessions for internal security force personnel that focused on prevention of ill-treatment and torture, capacity-building based on international human rights norms, and boosting oversight of places of deprivation of liberty.

43. The Ministry of the Interior, in cooperation with the ICRC, is implementing a project in Tunisia on "Improvement of the treatment of detainees during police custody". Its six main components focus on: basic and supplementary training to ensure that detainees are treated in accordance with a human rights approach; improvement of the infrastructure of places of detention; development of standard guidelines on methods of interrogation and questioning; production of posters listing detainees' guarantees to be hung on the walls of all detention centres; and production of "Guidelines on commendable practices for law enforcement personnel in detention centres for suspects", which provide guidance on professional conduct and humane treatment when enforcing the law in holding cells and detention centres.

44. It should be noted that, after the revolution, the Ministry of the Interior issued numerous leaflets, telegrams and work notes to law enforcement personnel with a view to improving their relations with detainees, and ensuring greater efficiency in the fight against crime and the prosecution of perpetrators by promoting an approach based on respect for the law and promotion of the principle of responsible national security based on transparency, impartiality, service on behalf of citizens, and a correct approach to peaceful meetings, gatherings and protests. To that end, it drafted a code of conduct for the internal security forces specifying procedures for democratic conduct within the security establishment and enshrining the concept of national security, in accordance with article 19 of the Constitution. A committee was established in the Ministry of the Interior to review the Act[29] concerning basic legislation applicable to the internal security forces and the Act[30] regulating public meetings, demonstrations, marches and parades in order to align them with basic human rights principles.

45. The various steering committees established in connection with the reform and modernization of the security sector are continuing to draft legislation aimed at regulating and controlling security-related activities, and are developing legal frames of reference for the neighbourhood police and for complaint and investigation procedures "as a project to support prevention, preparedness and management of crisis situations" together with the UNDP and under the European Union programme to support the modernization and reform of the security sector.

46. With regard to arrangements for foreign monitoring of places of detention, the Human Rights Unit of the Ministry of the Interior coordinates with international governmental and non-governmental associations and organizations with a view to establishing procedural safeguards and eliminating the likelihood or risk of torture. Visits to detention centres have been arranged on 59 occasions for the ICRC, the European Parliament, Doctors of the World, Human Rights Watch, and the Danish Rehabilitation and Research Centre for Torture Victims.

47. A visit to Tunisia by a delegation of the United Nations Subcommittee on Prevention of Torture was facilitated in April 2016. The Ministry of the Interior issued parallel instructions aimed at facilitating the work of the National Authority for the Prevention of Torture.

48. The Ministry of Justice, acting in cooperation with the Danish Institute against Torture, issued a guidebook on combating torture in late 2014 with a view to training 140 judges, including 60 trainers. The guidebook was distributed among the appeal courts and courts of first instance. It is expected that each of them will train between 10 and 15 judges during the next two years.

49. Following its ratification by Tunisia, the Optional Protocol to the Convention against Torture was incorporated in the human rights curriculum of all categories of trainees in the National School for Prisons and Rehabilitation. They will be informed of the

mandate of the Subcommittee on Prevention of Torture as an international preventive mechanism authorized to visit places of detention where persons are deprived of their liberty. Since the promulgation of the Decree[31] concerning ratification of the Code of Conduct and Ethics of Public Officials, the Directorate General for Prisons and Rehabilitation has circulated the Code and held regular training sessions to raise awareness of its content. The prison and rehabilitation inspection authorities conduct regular unannounced visits to places of detention to investigate problems and difficulties encountered in such facilities and to address existing transgressions.

50. The Ministry of Justice, in cooperation with OHCHR, organized a training course in 2013 on "Human rights and visits to places of detention". It organized training courses, in cooperation with the Geneva Centre for the Democratic Control of Armed Forces, that led to the publication of the "Guide on Visiting Places of Detention". A training course was also held by ICRC for prison officers and staff. In addition, the Ministry of Justice organized a think tank, in coordination with the ICRC regional delegation in Tunis, with a view to submitting proposals aimed at reducing prison overcrowding in the short and medium term.

51. With regard to visits to places of detention, on 10 December 2012 the Ministry of Justice signed nine memorandums of understanding with associations and organizations of human rights defenders, authorizing them to visit prisons. By late December 2016, the organizations had conducted 664 visits. Action pursuant to the memorandums came to an end when the National Authority for the Prevention of Torture was assigned its mandate. Bodies wishing to visit prisons are now issued with a permit following case-by-case examinations of their requests. A Memorandum of Understanding was signed in this context with the Tunisian Human Rights League and its branches on 10 July 2015, enabling it to visit prisons and investigate inmates' circumstances. An agreement was reached with Penal Reform International on 17 May 2016 on the implementation during a two-year period of two projects concerning, on the one hand, the imposition of alternative penalties in Messadine Prison and, on the other, promotion of a human rights approach to the treatment of inmates in Messadine Prison and in the Rehabilitation Centre for Juvenile Offenders in Sidi al-Heni. In addition, the Ministry signed an agreement on 12 January 2016 with the Ministry for Women, the Family and Children that permits delegates specializing in the protection of children to visit rehabilitation centres for minors to investigate the accommodation and living conditions, and to ensure respect for children's rights and proper treatment of minors.

52. It should be noted that the Public Prosecution Service attached to various courts of first instance has a special register containing records of complaints of torture and their outcome, oversight of the investigations until they reach the prosecution stage and the outcome thereof, with a view to ensuring that the outcome can be monitored. Since December 2008 Tunisia has had a special statistical system for use by the Inspectorate General at the Ministry of Justice to ensure that the time limits for pretrial detention are not exceeded.

53. A workshop was held on 17 November 2016, under the supervision of the Ministry for Relations with Constitutional Bodies and Civil Society and for Human Rights and in cooperation with the Danish Institute against Torture, on measures to develop the legal framework for the prevention of torture. Shortcomings in the existing national legislation were discussed and remedies were proposed. The Ministry of Justice and the National Authority for the Prevention of Torture held a meeting on 8 December 2016 with the Danish Institute against Torture to discuss the prevention and combating of torture and current challenges. They produced a joint working document that can be consulted when reviewing legal provisions and taking steps to guarantee, in particular: the invalidity of confessions extracted under torture; issues relating to allegations of torture before the courts; procedures for dealing with complaints and for combating immunity for crimes of torture and ill-treatment at all levels of legal proceedings; and protection of victims of torture and their relatives and witnesses. Pursuant to an agreement between the Ministry of Social Affairs and the Danish Institute against Torture (DIGNITY), the Ministry has supported the opening of an office to be run by the Institute in Tunisia, the aim being to assist and support victims of torture and to reintegrate them into society. Steps will also be

taken to train social participants in techniques of providing psychological support for victims of torture and violence and of contributing to their rehabilitation.

54. With a view to aligning national legislation with the Constitution and international norms, including the provisions of the Convention against Torture, two technical committees were created in the Ministry of Justice to conduct an in-depth review of the Criminal Code and the Code of Criminal Procedure, the aim being to formulate a general penal policy, to put forward views regarding the criminal and penal system as a whole, to align relevant provisions with international norms, particularly those pertaining to the fight against torture, and to encourage alternative penalties and the reduction of prison sentences.

55. In accordance with the recommendations issued by the United Nations Committee against Torture to Tunisia following the review of its third periodic report in April 2016, the standing Commission took steps to draft a report on procedures for implementing the recommendations, which will be presented for discussion by all stakeholders.

56. With regard to the strategy for addressing the issue of prison overcrowding, the Ministry of Justice, in cooperation with OHCHR and Penal Reform International, held a workshop in February 2015 entitled "Towards a national strategy to reduce overcrowding in Tunisian prisons". It was preceded by a number of meetings to discuss the reform of the prison system, in particular two international seminars in 2013 and 2014 on "Prisons: the current situation and future prospects", and a workshop on "The Bangkok Rules: their current status and challenges and priorities for Tunisia", which was organized by the Geneva Centre for the Democratic Control of Armed Forces in cooperation with the Ministry of Justice in May 2014. Measures were adopted in this context at a variety of levels, including the following:

- **Reduction in the imposition and duration of prison terms**

57. This involves the imposition of alternative penalties prescribed by law (community service and restitution) and the introduction of other alternative penalties to prevent incarceration and to promote a policy of rehabilitation and reintegration. As part of the Judicial Reforms Support Programme implemented in cooperation with the European Union, a support system has been created in Tunisia pending the establishment of an integrated legal system. The support system has set itself numerous goals, primarily enabling judges to impose penalties that are consistent with the nature of the offence perpetrated and the personality of the perpetrator; reduction of prison overcrowding; alignment of conditions of detention with international norms and domestic legislation; reduction of recidivism; and maintenance of detainees within their family and social environment.

58. Alternatives to detention pending prosecution such as legal surveillance and electronic monitoring will greatly reduce recourse to pretrial detention and will facilitate procedures such as the granting of a special pardon and conditional release as a preliminary solution to the problem of prison overcrowding. Convicted and sentenced prisoners will benefit from these procedures provided that their penal status meets the applicable conditions and standards.

- **The infrastructure**

59. The Ministry of Justice and the Directorate General for Prisons and Rehabilitation have refurbished many prisons, increasing their cell capacity to accommodate an additional 1,480 inmates in new wings in the prisons of Sfax, Mahdia, Monastir and Messadine Sousse. Prison capacity will be further increased between June and September 2017 to accommodate an additional 1,600 inmates as a result of the refurbishment of the prisons of Gabes and Burj al-Amri and Oudhna Centre by means of the Ministry's own resources or through United Nations support. A new prison will also be established in Nabeul region (with a capacity to accommodate 1,000 inmates) and in Beja Governorate. A health-care centre has been established in Burj al-Amri Prison with several different sections (physiotherapy, radiology, dentistry, etc.). Areas accommodating 300 inmates have been designated for training, employment and rehabilitation, most recently in Sfax. It should be noted that women and men are segregated in Tunisian prisons and detention centres, and during police custody. There is a special prison for women in the capital city that can

accommodate 700 inmates. In addition, seven prisons have separate wings for women.[32] Women inmates account for 661 out of a total of 23,553 remand or convicted prisoners (annex 21). Special provision is made for detained mothers and children who live with them in prison. Thus, space has been reserved in Manouba Prison for pregnant and lactating women as a result of an initiative by Penal Reform International. The initiative will be extended to all other prisons.

- **Development of legislation**

60. In addition to the two committees created in the Ministry of Justice to review the Criminal Code and the Code of Criminal Procedure, a review was conducted of the penalties prescribed for some offences defined in the bill concerning drugs, which was approved by the Council of Ministers and referred to the Assembly of the Representatives of the People. It was proposed not to bring legal proceedings against someone who requests himself or through his representative, spouse, ascendant, descendant or doctor to undergo medical and psychological treatment for his health condition, and who does not cut contact with or leave the health-care facility without the consent of the attendant physicians. This bill will enable the court to find extenuating circumstances for consumption offences, in accordance with article 53 of the Criminal Code. In addition, a committee has been established in the Ministry of Justice to review the Act concerning the prison system.[33]

E. The issue of abolition of the death penalty

61. Article 22 of the Constitution stipulates that: "The right to life is sacred and may not be violated save in exceptional cases regulated by law." It should be noted that the issue of abolition of the death penalty has been discussed in the National Constituent Assembly and among political parties and other components of civil society. A national seminar was held in August 2012 on "Maintenance or abolition of the death penalty". The views expressed revealed a deep divergence of views. In practice, however, no death penalty has been executed in Tunisia since 17 November 1991. Moreover, Tunisia supported the United Nations General Assembly resolutions concerning a moratorium on the use of the death penalty adopted in 2012, 2014 and 2016.[34]

F. The fight against human trafficking

62. An Organic Act[35] concerning the fight against human trafficking has been enacted. It provides for the prevention and combating of all forms of exploitation to which people may be subjected, particularly women and children. A national authority established pursuant to the Act is mandated to develop a comprehensive national strategy for the prevention of human trafficking, the deterrence and prosecution of perpetrators, and the protection and assistance of victims through coordinated action by the various actors involved in combating trafficking in persons (annex 22). The Ministry of National Defence participates in rescue operations at sea, providing first aid to victims and referring them to the local authorities. During the past six months it has conducted 480 rescue operations involving 6,762 persons as part of its action to halt illegal migration, which is responsible for a large proportion of human trafficking. It also oversees the borders through air and land surveillance operations designed to prevent the smuggling of goods, weapons and persons.

G. The state of emergency

63. Decree No. 50 of 1978 regulates states of emergency. An organic act is currently being drafted with a view to aligning the regulations with the provisions of the Constitution. In light of the prevailing security situation and the fight against terrorism, a state of emergency has been proclaimed and extended several times, most recently through the January 2017 declaration. The United Nations Secretary-General has been notified on each occasion and assured that no right or freedom enshrined in the Covenant will be suspended.

H. Respect for human rights while countering terrorism

64. The Act concerning the fight against terrorism and the prohibition of money laundering promulgated in 2015 establishes the following three bodies: the National Counter-Terrorism Commission; the National Financial Analysis Commission; and the Counter-Terrorism Judicial Authority. Furthermore, in late 2016 the President of the Republic approved a National Strategy to Combat Terrorism and Violent Extremism, which was drafted in compliance with international human rights norms. The different ministries have undertaken to develop plans for its implementation.

I. Support for general rights and freedoms

65. Decree No. 115 of 2011, which regulates freedom of the press, printing and publication, is currently being reviewed to align it with the provisions of the Constitution and international norms. To that end, steps have been taken since 2014 to create a group of judges tasked with supporting cooperation between the National Observatory on the Independence of the Judiciary, OHCHR and the Article 19 organization with a view to ensuring that the provisions of the aforementioned Decree are implemented in accordance with international standards. Pursuant to Decree No. 41 of 2011 concerning access to administrative documents, the office of spokesperson on behalf of numerous official bodies and courts was created to facilitate communication with the media pending the entry into force of Organic Act No. 22 of 2016.

66. The Constitution guarantees the protection of personal data. According to article 24, the State protects citizens' right to privacy and the confidentiality of their personal data. This right is also enshrined in Organic Act No. 63 of 2004. The Prime Minister is currently considering an organic bill aimed at approving the application for accession to Council of Europe Convention No. 108 and its Additional Protocol No. 181.

67. The National Authority for the Protection of Personal Data established pursuant to the above-mentioned Organic Act issued 20 advisory opinions in response to requests from public bodies in 2016 and deals with 60 files each month. The Special Rapporteur on the right to privacy visited the Authority in December 2016 to discuss the organization of an international event to be held in Tunisia in May 2017 on privacy, personality and flows of information.

J. Equality and non-discrimination

1. Protection and promotion of women's rights

68. The Constitution enshrines the principle of equality between women and men by using both the masculine and feminine forms of the term "citizen". It recognizes the family as the nucleus of society and the right of children to protection and education.[16]

69. Article 46 of the Constitution requires the State to protect women's rights as enshrined in the Personal Status Code and to strengthen and develop them.

70. The Ministry for Women, the Family and Children protects the rights acquired by women even before the promulgation of the Constitution. With a view to ensuring that women have access to its services in both urban and rural areas, 24 regional delegations for women's and family affairs were established in 2013[17] to cover the entire territory of the Republic. The Ministry was restructured with the aim of supporting equality of opportunity and gender equality, integrating women into social and economic life, and promoting the economic empowerment of women by creating administrative bodies tasked with monitoring and opposing discrimination and violence against them, an economic empowerment authority and an authority for the advancement of rural women.

71. In line with the principle of gender equality, it was decided in 2015[18] that travel authorization for minors could be granted by either of their parents or by their guardian or legal custodian. Authorization for travel and the issuance of passports had previously been reserved for the minor's father (annex 23).

72. Equality was institutionalized in 2016 through the creation of the Peer Council for Equality and Equality of Opportunity (annex 24), a body that seeks to introduce a gender-based approach to planning, programming, evaluation and budgeting in order to eliminate all forms of discrimination between women and men. With a view to ensuring equality in employment and wages, which is enshrined in the legislation, the labour inspection authorities adopt deterrent measures to address non-compliance by employers with the relevant provisions of the Labour Code.

73. The specifications issued by the Independent High Authority for Audiovisual Communication require anyone who obtains a permit to establish and run a private radio or television channel to comply with a number of basic principles, including "protection of women's rights and elimination of stereotypes in the media".

74. Since 2012 Tunisia has been implementing a national strategy to combat violence against women adopted in 2008, in cooperation with a number of United Nations organizations and civil society associations. It focuses on four areas: monitoring and assessment of the phenomenon of violence against women; provision of appropriate and diverse services to respond to the needs of women victims of violence: social mobilization and awareness-raising with a view to changing conduct and eliminating the phenomenon of violence against women; and advocacy of a review of the legislation and support for a legal system that prevents and criminalizes violence against women.

75. An Organic Bill aimed at eliminating violence against women was referred to the Assembly of the Representatives of the People for discussion and adoption in July 2016. The Bill, which adopts a comprehensive approach, provides for prevention, deterrence, protection and the establishment of institutional mechanisms. An advocacy and support plan has been developed for the Organic Bill as well as a legal framework applicable to care centres for women victims of violence. Al-Aman shelter for the protection of women against violence was established in 2015 and is run in partnership with civil society. A map of services rendered to women victims of violence and women in situations of vulnerability has been produced and circulated. Steps have been taken to continue implementing the pilot project on "Multisectoral care for women victims of violence in the area of Greater Tunis", which was launched in 2014. Sectoral protocols concerning care for women victims of violence have been developed (for the sectors of women, the family, childhood, health, justice, the interior and social affairs) as well as a concise procedural manual for their sectoral care. On 25 November 2016, a green telephone line for listening and offering guidance to women victims of violence was launched. A total of 266 calls had been received by the end of 2016.

76. In addition, sectoral protocols concerning awareness-raising were signed by all relevant ministries in December 2016 pending the signing of a multisectoral agreement in due course. The provisions of Decree No. 35 of 2011,[7] which enshrined the principle of parity between women and men in rotation-based electoral lists, helped to increase the number of women in the National Constituent Assembly. However, they occupied only 65 of the 217 seats, that is to say 29.95 per cent. The percentage recorded in the 2014 legislative elections rose to 31.3 per cent of the seats in the Assembly of Representatives of the People. This ratio evolved when vacancies occurred in the Assembly, rising to 34.56 per cent, or 75 seats occupied by women. As a result, the principle of horizontal and vertical parity was enshrined in the electoral bill for the municipalities, which will lead to an increase in the participation of women in local government.

77. In 2012 a number of programmes and activities were organized to encourage women to participate in public and political life by raising women voters' awareness of the initiative aimed at including them in electoral lists, involving them in voting procedures, and supporting their participation in the running of polling stations and the monitoring of elections. The events included an international seminar on the political participation of women in October 2012.

78. The Ministry of National Defence organized a seminar on future perspectives for women members of the armed forces in the context of the 5+5 Defence Initiative. The seminar was attended by various stakeholders from Tunisia and abroad. It established a committee to study the situation of women in the armed forces with a view to combating

various forms of gender-based discrimination. Women have also been involved in all areas of military action and enabled to occupy a number of leadership positions.

79. In the area of employment, a national programme was established to promote women's economic initiatives by creating a special credit line and introducing facilitating conditions. In addition, training, assistance and support has been provided for women entrepreneurs. The programme is supervised by a management unit to ensure its compliance with the objectives of the programme to promote equality between women and men that was established in 2016.

80. Many programmes have been developed to support the economic and social empowerment of women, in particular the integrated national project to prevent school dropout among girls in rural areas, which is implemented in cooperation with the Ministry of Transport, the Ministry of Education, the Ministry of Culture, the Ministry of the Interior and the Al-Madanya civil society association, which supports rural school transport. A multisectoral agreement was signed for the purpose in April 2015. A study is currently being conducted of the employment of women in rural areas and the extent to which they benefit from social welfare in five governorates.

81. A literacy education programme was launched in 2016. It is based on a Prime Ministerial Decree of 17 December 2015 concerning the introduction of a literacy education programme involving the Ministry of Social Affairs, the Ministry for Women, the Family and Children, and the Ministry of Education. In October 2016 a protocol specifying the terms and conditions to be met by parties involved in transporting female employees in the agricultural sector was signed.

82. Access to educational services, medical clinics and contraceptives continues to be provided free of charge in 36 rural centres located throughout the country. Thirty-two teams and two sanatoriums ensure that women in remote areas have access to such services. Measures are being taken to increase the proportion of women in rural areas who benefit from at least one pregnancy monitoring clinic with a view to achieving a ratio that is closer to that recorded for women living in urban areas, which is 98.2 per cent. Tunisia admits that, notwithstanding its efforts, it has been unable to attain the aspired average of four pregnancy monitoring clinics throughout all regions of the country. As a result, 15 per cent of women who have already given birth were unable to access such clinics, especially in mid-western, north-western and southern areas.

83. Notwithstanding the improvement in health-care coverage in rural areas, there are still shortcomings, especially in regional areas, in access to family planning services. According to a national multiple indicator survey of the health-care situation of women and children, the rate of failure to meet contraceptive needs exceeds 10 per cent in the mid-western region, compared with 7 per cent at the national level. There are also major regional disparities in maternal mortality rates. Thus, the ratio exceeds 56 deaths per thousand live births in the south-eastern region, totals 67 deaths in the north-western region, and is estimated at 27.9 deaths in the north-eastern region.

84. The Centre for Research, Studies, Documentation and Information on Women has implemented numerous initiatives aimed at promoting and protecting women's rights (annex 25).

2. Enhanced protection of children's rights

85. Article 47 of the Constitution stipulates that: "The State shall provide all forms of protection for children without discrimination and in accordance with the child's best interests." The Child Protection Code is being reviewed and the addition of a chapter on protection of child victims is being considered. Action is being taken to implement article 12 of the Convention on the Rights of the Child concerning participation in public policymaking by involving children in the elaboration of the Five-Year Development Plan 2016-2020 and organizing workshops to hear their proposals. In addition, a booklet entitled "Expectations of children and adolescents from the Development Plan 2016-2020" was produced.

86. Two organic acts have been drafted. The first concerns approval of accession to the third Optional Protocol to the Convention on the Rights of the Child, and the second concerns approval of accession to the Council of Europe Lanzarote Convention on Protection of Children against Sexual Exploitation and Sexual Abuse. The bills were drafted following consultations among ministries and with civil society.

87. Steps were taken (from September 2013 to December 2014) to develop a National Action Plan to Combat Child Labour in cooperation with the International Labour Organization (ILO). The Labour Inspectorate monitors the employment of children in enterprises to ensure compliance with labour regulations, particularly concerning the minimum age and working conditions. A bill to combat cybercrime, which contains provisions aimed at protecting children in cyberspace, is currently being drafted. In addition, measures have been taken in the area of early childhood, and on behalf of children in vulnerable situations and children in conflict with the law (annex 26).

3. Support for the rights of persons with disabilities

88. Article 48 of the Constitution requires the State to protect persons with disabilities from all forms of discrimination. It approved[40] the Marrakech Treaty adopted on 27 June 2013 by the World Intellectual Property Organization (WIPO) to facilitate access to published works for people who are blind, visually impaired or have other print disabilities.

89. It was decided to increase[41] the annual recruitment rate to posts in the civil service and in public or private institutions and establishments that employ 100 persons. As a result, the rate of persons with disabilities rose from 1 to 2 per cent. A committee was set up in 2014 to review all legislation in order to identify discriminatory provisions. Special centres were established to care for children with severe disabilities in all regions of the Republic. In addition, two public centres were established for the vocational rehabilitation of persons with motor and acquired disabilities. Each centre caters for some 100 individuals.

90. A national fund-raising programme has been established for indigent persons with disabilities who are able to work. Some 700 projects receive funding each year. Action is also being taken to provide them with social housing. The funds allocated for orthopaedic devices to facilitate their integration were increased from 1,200,000 Tunisian dinars in 2012 to 2,001,500 dinars in 2016.

91. Despite existing difficulties, diverse environments have been successfully adjusted to facilitate the movement of persons with disabilities and their access to services (annex 27). The State provides material, logistic and training-related support to civil society organizations acting on behalf of persons with disabilities. With a view to ensuring equality of opportunity for all students, the school psychologist was assigned the function of regional coordinator for educational integration with a view to overseeing students with disabilities and gifted students with learning disorders at various educational levels. A psychological and behavioural awareness-raising and training plan was developed for all parties involved in the educational process. Hours were set aside for quality support and oversight of the students concerned in integrated schools. Some 3,000 pupils with disabilities were enrolled in primary schools during the 2014/15 academic year.

92. The financial support provided to students with disabilities was increased in 2013 and they were granted additional examination time.

4. Elimination of racial discrimination

93. A National Commission to Combat Racial Discrimination has been created in the Ministry for Relations with Constitutional Bodies and Civil Society and for Human Rights. It is tasked with analysing the existing situation and devising a strategy to bring about any reforms required at the legislative, institutional, procedural, educational and cultural levels. The Committee operates through working groups, each of which addresses a particular form of racial discrimination. It is helping the Ministry to draft a bill and develop a national strategy in partnership with various stakeholders.

94. The Ministry held an awareness-raising day on the fight against racial discrimination under the supervision of the Prime Minister on 26 December 2016. The participants discussed existing legislative, institutional and practical difficulties and challenges, and the organization of various educational, awareness-raising and artistic activities in support of the elimination of racial discrimination.

K. Promotion of economic, social and cultural rights

1. Support for development of the least developed regions

95. With a view to supporting the least developed regions, a number of programmes have been developed to improve living conditions, to develop the infrastructure and basic communal facilities, to create sources of livelihood and to improve the residents' income, especially in rural areas, with a view to reducing disparities in development between rural and urban population groups, and encouraging residents to remain in their regions. The principal programmes are as follows:

- **The Regional Development Programme**: The funds allocated to the Programme totalled 547 million dinars during the period from 2011 to 2015. They were used to improve the infrastructure, such as roads and highways in rural areas, and to improve the supply of drinking water and electricity for rural communities. Many people benefited from livelihood support projects in the areas of agriculture, sea fishing, traditional industries, and small trades and crafts, and grants were made available for housing renovation. The funds allocated under the Regional Development Programme were distributed among the governorates based on the regional development index adopted in 2012 in order to reduce the development gap between regions, to promote equity and to address the issues of poverty and unemployment.
- **The Integrated Development Programme**: The aim is to promote a dynamic local economy, to support regional employment, to boost human development indicators in order to improve the quality of life, and to protect the environment. When it was launched in 2011, the first stage comprised 54 projects costing 298 million dinars. The second stage, which was launched in 2013, comprised 36 projects costing 222 million dinars. It should be noted that 80 per cent of the projects were implemented in the interior of the country.
- **The Programme for Regional Development Sites**: Almost 1.2 million working days were generated each year through allocations estimated at 912 million dinars during the period from 2011 to 2014. Some 72,000 workers benefited from the Programme. With a view to enhancing the performance of the mechanism for development site workers, supervisory operations were assigned in 2012 to a single centralized body which paid wages under the Programme based on lists prepared by the regional authorities.
- **The Municipal and Urban Development Programme**: The most important aspects are: improvement of living conditions and integration of residential neighbourhoods in 119 districts, 50 municipalities and 6 governorates inhabited by about 685,000 residents. The three-stage Programme cost about 435 million dinars during the period from 2012 to 2016. Additional funding was allocated by the European Union with a view to implementing expanded programmes for some projects (41 districts) and improving living conditions in the Ennour district of Kasserine. Following the inclusion of a project to improve living conditions in the Ras el-Ain district of Kebili, the total number of projects increased from 119 to 121, and the total cost of the Programme increased from 435 million to about 514 million dinars.
- **The Programme to Reduce Regional Disparities by Improving Living Conditions in Working Class Neighbourhoods**: The aim is to improve living conditions in 220 districts at a total estimated cost of 225 million dinars. To date living conditions have been improved in 86 districts (76 projects) at a total estimated cost of 5,740,000 dinars.

- **The Social Housing Programme**: The aim is to meet the needs of very poor and low-income social groups by providing them with adequate housing and, in particular, to eliminate the phenomenon of primitive housing. To date 807 dwellings have been constructed and 516 lots have been developed for social housing in Kasserine at an estimated cost of 3,510,000 dinars.

2. Guaranteeing the right to health

96. With a view to complying with the Constitution and implementing a comprehensive reform of the health sector to guarantee access to health-care services and enjoyment of the best possible state of health, a committee was established in the Ministry of Health to develop a national plan for citizens' health-care services in order to address the shortage of physicians noted by internal bodies in some vital areas of specialization. A programme was developed to support the availability of specialist medical treatment in priority areas. It seeks primarily to ensure the continuity of health-care services in basic and vital areas of specialization in all Tunisian medical institutions and to enhance the quality of health-care services in regional and university hospitals.

97. To that end, 26 million dinars were allocated in early 2015 for the recruitment of physicians to guarantee the continuity of health-care services in the areas in question. A number of legislative texts were promulgated for the purpose.[42] In addition, measures are being taken to extend the network of primary health-care centres. Precise criteria are applied to ensure that priority is given to the neediest groups. With a view to enhancing access to treatment services, the health-care map has been expanded. As a result, the total number of public health-care structures and institutions had increased by late 2016 to 2,123 primary health-care centres, 23 public health-care institutions, 35 regional hospitals and 108 local hospitals.

98. Action is currently being taken to improve access to health-care services for residents of priority areas under the PAZD II Project aimed at supporting a reduction in social disparities and access to health-care services through front-line and intermediary centres in priority regions. The Project forms part of financial agreement No. ENPI/2012/023-522 signed in Tunis on 2 October 2012 between the Government of the Republic of Tunisia and the European Union concerning the health-care support programme for regions located in the interior of the country[43] (annex 28).

3. Action to boost employment and vocational training

99. Unemployment in Tunisia is basically long-term structural unemployment. A rate of 15.5 per cent was recorded for the last quarter of 2016.[44] Policies to promote employment led to the adoption of three types of programme: programmes to enhance employment prospects through supplementary training courses in languages and vital skills; programmes to support immediate employment by encouraging enterprises to recruit jobseekers; and programmes to support private enterprise by providing structural support and funding.

100. The Government is taking the following action to address existing challenges[45] in the sector: enhancement of jobseekers' vocational qualifications, behavioural patterns and skills through a comprehensive support and training system pending the development of a vocational project under the "My Opportunity" programme; support for vulnerable groups facing difficulties in the labour market through the implementation of special programmes to prevent unregulated employment; support for those who have suffered damages as a result of economic difficulties; measures to facilitate professional integration; and support for groups with special needs, especially in areas with high unemployment rates. The Government also supports partnerships with non-governmental associations and organizations with a view to building their capacity to support jobseekers. A national dialogue on employment was held in 2016.[46]

101. The vocational training system is undergoing a reform plan involving a range of projects that have promoted the decentralization of the sector by opening it up to individuals, families, regions and institutions. Continuous action is being taken to develop vocational training centres, dormitories and restaurants and to support cultural activities and sports. In addition, the university guidebook has been expanded to include training courses

conducive to high-level technical qualifications. With a view to stimulating enrolment in courses for which there is a high labour-market demand but which tend to be shunned by young people, a sum of 60 dinars per month has been granted for about 250 training courses out of a total of 400 courses provided by public vocational training centres.

102. The project aimed at restructuring vocational training centres for girls in rural areas, which was launched in 2014, continues to be implemented. A comprehensive strategy is being developed to adjust the economic and social variables so that they support the integration of rural girls into their social and institutional environment. The system currently comprises 14 centres located throughout the territory of the Republic. Furthermore, the Ministry of National Defence has established military vocational training schools to provide education and vocational training for children under 18 years of age and to issue them with recognized certificates of vocational training and competence that facilitate their entry into the labour market.

4. The right to education and higher education

103. With a view to enhancing educational structures and improving study conditions, a sum of 34 million dinars was allocated from the funding programme for 2016 for the creation and maintenance of educational institutions at the primary and secondary level and boarding schools. Support and maintenance was provided under the "School Month" campaign for more than 4,000 educational establishments. The "School-friendly Enterprise" programme seeks to involve economic actors in initiatives aimed at the maintenance of educational institutions and 224 partnership agreements have been signed under the programme. The objectives of the expansionist programme include the construction and replacement of sanitation facilities (for students and teachers) in all establishments, especially those in rural and border areas, in which such facilities are still fully or partially lacking, and the construction of ordinary and specialized classrooms, technical laboratories, reading rooms and fences. There is also a teaching kit programme, which supports access to and replacement of ordinary teaching kits in all educational institutions.

104. Continuous action is being taken to universalize the preparatory year by making it free and compulsory. As a result, the preparatory class coverage ratio reached 45.8 per cent in the 2015/16 academic year. Such action was extended, in particular, to rural areas. The net enrolment ratio for the preparatory year among children aged between 5 and 6 years attained about 85.9 per cent in the 2015/16 academic year. With a view to supporting the programme to prevent early school dropout and failure rates, a partnership agreement covering the period until 2018 was signed between the Italian Agency for Development Cooperation and the United Nations Children's Fund (UNICEF). It covers 34 educational establishments in the 19 governorates that record that highest dropout rates.

105. A review of the existing school map system led, at the beginning of the 2016/17 academic year, to the grouping together of educational establishments at the geographical level, the provision of school transport and nutrition services, and the termination of the practice in certain establishments of combining classes at different levels. In addition, the map of educational establishments was expanded to comprise all levels so that, at the beginning of the 2016/17 academic year, it covered a total of 6,070 establishments distributed as shown in the annex (annex No. ...). A School Services Department was established pursuant to Order No. 664 of 25 July 2016 for the purpose of supporting school services (establishment and maintenance of school transport). A total of 500,000 students will have access to school meals on 170 schooldays with effect from the 2016/17 academic year.

106. **Higher education**: With a view to complying with article 39 of the Constitution and article 6 of the Act[47] on higher education, which stipulates that: "Holders of a *baccalauréat* or of a foreign diploma recognized as equivalent thereto shall have access to higher education" (it being understood that such access should be based on students' skills and should not involve any discrimination based on their social or economic background), the Ministry of Higher Education and Scientific Research is restructuring the university map with a view to facilitating access to university-level institutions for students in various urban and rural areas. With that end in view, university institutions have been located in

different regions of the Republic and a higher institute of technology has been established in each governorate. Students are directed to universities located close to their areas of residence. The annexed tables show the number of students, the proportion of females, gender parity ratios at the tertiary level, and the distribution of public and private higher education and research institutions in the different regions [48] (annexes 29 and 30). Affirmative action has been taken on behalf of female students, who now benefit from university accommodation for three years, compared with two years previously, following an amendment of the Decree establishing the conditions and standards to be met for attribution of university accommodation.[49]

107. The Ministry of Higher Education and Research has not pursued a policy based on gender discrimination. Its policy is based on criteria of competence and merit. Women are actively and officially involved in decision-making in higher education and scientific research establishments and in electing management and pedagogical bodies in such establishments. Women's participation in elections has led to the election of 3 female university vice-presidents and of 19 female presidents of higher education and research establishments and their scientific councils.

5. The right to adequate housing

108. Action has been taken since 2012 to support public actors through additional funding mechanisms for adequate housing. For instance, primitive dwellings have been demolished and replaced by new housing. Social housing has been provided under a special social housing programme, which is evolving in both legal and practical terms[50] (annex 31). Financial assistance has been made available to needy and middle-class groups for the renovation or acquisition of housing under the programme, which provides soft loans for housing renovation or for the building or purchase of affordable dwellings to social groups whose income does not exceed 4.5 times the guaranteed minimum wage. Alternatively, a credit line may be opened under the "First Home" programme[51] (annex 32). The State is also seeking to address difficulties relating, in particular, to the shortage of suitable land for building, the complex real-estate situation that arises when land is available, and the difficulties in raising the requisite funds owing to current public financing difficulties. The authorities are therefore introducing a set of legal and practical reforms[52] (annex 33).

109. The Ministry of State Property and Real-Estate Affairs has begun adjusting the situation of housing complexes on State land, i.e. a total of 934 complexes covering an area of 6,973 hectares, 90 ares and 96 centiares. Real estate owned by the State was sold at a symbolic rate of 1 dinar for the benefit of the municipalities so that they could subsequently enable persons holding titles to acquire the dwellings in line with the right to housing, and so that the real estate could serve as a social guarantee and an economic resource, especially since most of the title holders belong to classes requiring economic and social support.

6. Implementation of cultural rights in accordance with constitutional principles

110. In line with the principles of participatory democracy and cultural decentralization, the Ministry of Cultural Affairs is pursuing a comprehensive and integrated cultural policy based on current political, economic and social circumstances and focusing on the programmes described below. Under the national programme to develop artistic capacities, to enhance creativity and to stimulate the work of civil society associations in all governorates, arts centres were established in 15 governorates during the last quarter of 2016. They are to be extended to the remaining governorates in early 2017 and subsequently to the administrative districts known as delegations. The programme on urban civilizations of Tunisia, which is to be launched in early 2017, is designed to highlight the country's heritage and the use of modern technology to support it. Two hundred independent cultural spaces have been established, and steps have been taken to develop artistic components for the city of culture in Tunis. The aim of the project is to organize cultural spaces and artistic groups and to upgrade their statutes and human and technical resources in the context of the project on development of artistic components for the city of culture in Tunis. A partnership between the public and private sectors will also be launched with a view to developing and integrating the cultural structure into the production cycle of

the national economy. Another programme aims at upgrading the structure of public institutions engaged in cultural work by reviewing their foundations and familiarizing their human resources with modern concepts of cultural activity, especially in the areas of cultural administration and mediation based on a horizontal approach involving the integration of other actors, including civil society associations, as parties capable of supporting the State's efforts to implement the programme. In this context, 200 partnership initiatives involving local cultural associations and institutions engaged in cultural activities will be launched as well as 40 partnership initiatives involving the private sector in order to utilize and equip a number of institutions, bearing in mind the principle of affirmative action. The Ministry of Cultural Affairs is drafting a number of bills with a view to guaranteeing an appropriate legal basis for the implementation of the above-mentioned programmes.[53]

III. Challenges and initiatives

111. The Tunisian State is currently facing multiple challenges at all levels. They are basically attributable to the democratic transition, which affected all the country's institutions, to the economic and financial difficulties and heavy pressure on the State's budget, and to the security situation faced by the State in the fight against terrorism, which impedes progress in discharging projects, establishing institutions and ensuring the full implementation of rights. The foregoing account of the Tunisian State's action to protect and promote human rights should not obscure the scale of its responsibility, in the years ahead, to take the requisite steps towards completion of the institutional framework, especially with respect to the judiciary, independent authorities, advisory boards, national commissions, and regional, provincial, local and other structures.

112. Measures will be taken to expedite the establishment of constitutional bodies by completing the legislative process and enacting the legislation governing their establishment. Further action will be taken to reform the judiciary and the prison system with a view to supporting the independence of the judiciary and the penitentiary system, enhancing the quality of the judiciary, protecting defendants' right to a fair trial within a reasonable time, and facilitating access to justice, particularly for weak and vulnerable groups. Steps will be taken to develop the security and military system with a view to countering the threat of terrorism while respecting rights and freedoms.

113. The State will take action to ensure compliance with all rules of governance, to prevent corruption through the National Integrity System, to guarantee access to information, to reform the administration by introducing a system applicable to senior positions, to build human resource capacities, to support administrative expertise, to promote open governance and efficient and speedy paperless data management, and to improve the quality of services provided to citizens and institutions. During the period ahead, diverse measures will be taken to align the legal system governing public life with the Constitution and relevant ratified international norms. It is planned, for example, to review the legal framework applicable to associations, particularly sources of funding, while respecting the principle of freedom, and to bridge existing gaps in order to address difficulties in implementation, while providing guarantees of transparency of associations' activities, and facilitating the administration of the requisite means and procedures. It is also planned to align the legal framework applicable to freedom of the press and publication and to audiovisual communication with applicable international standards, bearing in mind the requirements of technological development. A study of political parties will be undertaken with a view to identifying shortcomings and particularities and amending the legislation governing political parties in order to align it with the best applicable standards.

114. In line with the State's firm belief in the need to maintain a benign social climate that meets the requirements of the approved social contract, action will focus on the establishment of a national council for social dialogue as a standing body tasked with methodical monitoring of concerns, engaging in consultations and studying issues pertaining to the social arena. It is planned to diversify actions aimed at reducing poverty with a view to reducing the rate of extreme poverty from 4.6 per cent to 2 per cent, and

reducing the poverty rate from 15.5 per cent in 2010 to 10 per cent. Action will be taken to raise the human development index from 0.729 in 2015 to 0.772, and to allocate funds equivalent to at least 20 per cent of gross domestic product for expenses and remittances of a social nature. Steps will also be taken to address all forms of exclusion and marginalization, to reduce disparities between different groups and regions by redistributing the fruits of development, and to promote social equity and justice by reducing the disparity in the regional development index by 30 per cent by 2020.

115. Furthermore, in the context of human resource capacity-building and the improvement of living conditions for all citizens through educational services, action will be taken to universalize the preparatory year by 2020, to convert 50 per cent of universities into establishments specializing in science and technology, to reduce the illiteracy ratio for persons in the 10 to 59 age group from 18 per cent to 16 per cent by 2020, to develop the health-care system so that life expectancy at birth is increased to 76 years and mortality rates are reduced to the lowest possible levels, and to reduce households' share in the financing of health-care services from 38 per cent in 2015 to 30 per cent.

116. Action will be taken to raise the employability potential for each percentage point of growth from 18,000 to 20,000 citizens, so that nearly 400,000 jobs can be created and the unemployment rate can be reduced from 15 per cent in 2014 to 12 per cent in the years ahead. It is also planned to increase the proportion of workers employed in the social and solidarity-based economic sector from 0.5 per cent to 1.5 per cent of the working population.

117. Action will also be taken to improve communal facilities and basic utilities, such as lighting, drinking water and access to sanitation networks, with a view to achieving a major improvement in living conditions. It is planned to complete 100,000 social housing units within the next five years and to increase the public transport ratio from 30 to 40 per cent.

118. The State will step up efforts to develop comprehensive national human rights policies embracing all sectors, such as education, health, the environment, etc., and to support their implementation. It will also define and establish a comprehensive national human rights system based on a participatory approach, and promote a human rights culture to uphold the enjoyment and exercise of rights and freedoms, and to promote respect for other persons, for diversity and for other principles and values.

Notes

[1] الفصول من 50 إلى 124 ومن 131 إلى 142 من الدستور و (و.أ.م من الفقرة 10إلى الفقرة 19 صفحة 6 إلى 9).
[2] الفصل السادس من الدستور.
[3] الفصل 49 من الدستور.
[4] و.أ.م فقرة 20 صفحة 9 إلى 12.
[5] بمقتضى الأمر الحكومي عدد 1593 لسنة 2015 (م.ع 5).
[6] خلال شهر مارس 2015.
[7] خلال شهر أفريل 2016.
[8] خلال شهر سبتمبر 2016.
[9] (و.أ.م من الفقرة 15 إلى الفقرة 17 صفحة8)
[10] بإصدار المرسومين عدد 69 و70 لسنة 2011 في 29 جويلية 2011.
[11] و.أ.م من الفقرة 45 إلى الفقرة 55 من الصفحة 18 إلى الصفحة 20.
[12] عدد 23 لسنة 2012 (م.ع 9) وأصدرت نظام أساسي خاص بها (م.ع.10).
[13] الموقع الالكتروني للهيئة http://www.isie.tn
[14] الموقع الالكتروني للهيئة http://haica.tn
[15] المحدثة بموجب المرسوم عدد 116 لسنة 2011.
[16] الموقع الالكتروني للهيئة http://www.inlucc.tn/
[17] المحدثة بموجب المرسوم عدد 120 لسنة 2011
[18] أحدثت بالقانون الأساسي عدد 43 لسنة 2013 (م.ع 13).
[19] الموقع الالكتروني للهيئة www.ivd.tn
[20] بموجب القانون الأساسي عدد 22 لسنة 2016 (م.ع 15) .
[21] منشورة على الموقع http://www.e-justice.tn/fileadmin/fichiers_site_arabe/Bureau_EPP/projets/doc_strat.pdf
[22] منشورة على الموقع http://www.ilacnet.org/wp-content/uploads/2015/02/Plan-daction-r--forme-de-la-justice-2015-19-FR-et-AR.pdf

[23] الإرهاب المحدث بموجب القانون الأساسي عدد 26 لسنة 2015 (م.ع 17).
[24] المحدث بموجب القانون الأساسي عدد 77 لسنة 2016 (م.ع 18).
[25] منشورين على موقع الهيئة
[26] (الأمر الحكومي عدد 1382 لسنة 2016).
[27] بموجب قرارها الصادر بتاريخ 13 نوفمبر 2015.
[28] القانون عدد 5 لسنة 2016 بتاريخ 16 فيفري 2016.
[29] القانون عدد 70 لسنة 1982.
[30] القانون عدد 04 لسنة 1969.
[31] أمر عدد 4030 لسنة 2014 المؤرخ في 3 اكتوبر 2014.
[32] الكاف وجندوبة وسوسة المسعدين والقصرين وقفصة وصفاقس وحربوب بمدنين.
[33] عدد 52 المؤرخ في 14 ماي 2001.
[34] (الملحق عدد 13 ، المعطيات حول المودعين بالسجون والمحكوم عليهم بالإعدام).
[35] قانون اساسي عدد61 لسنة 2016 المؤرخ في 3 أوت 2016.
[36] في الفقرة 3 من التوطئة والفصول 7 و21 و24 و30 و34 و39 و40 و46 و47.
[37] الأمرين عدد 4063 و4064 لسنة 2013.
[38] القانـون الأساسي عدد **46** لسنة **2015** المؤرخ في **23** نوفمبر **2015** والمتعلق بتنقيح وإتمام القانون عدد **40** لسنة **1975** المؤرخ في **14** ماي **1975** المتعلق بجوازات السفر ووثائق السفر.
[39] المرسوم عدد 35 لسنة2011 المتعلق بانتخاب اعضاء المجلس الوطني التاسيسي.
[40] بمقتضى القانون الأساسي عدد 45 لسنة 2016.
[41] بمقتضى القانون عدد 41 لسنة 2016.
[42] الأمر عدد 2752 لسنة 2015 المتعلق بسن أحكام استثنائية للأنظمة الأساسية الخاصة بالأسلاك الطبية بخصوص إبرام اتفاقيات في إطار برنامج دعم طب الاختصاصات بالجهات ذات الأولوية، القرار المؤرخ في 31 ديسمبر 2015 والمتعلق بسن أحكام استثنائية لقرار وزيري المالية والصحة المؤرخ في 14 مارس 2016 ! والمتعلق بدوره بتحديد شروط ممارسة و مدة ومكافأة النشاط الذي يمكن أن يتعاطاه الأطباء و الصيادلة و أطباء الأسنان والفنيون السامون المباشرون بالقطاع الحر بهياكل الصحة العمومية.
[43] المصادق عليها بمقتضى الأمر عدد 1421 لسنة 2013 المؤرخ في 22 أفريل 2013 (ملحق حول المشروع)
[44] تتمثل نسبة بطالة الذكور 12.40% في حين تبلغ نسبة بطالة الإناث 20.22% رغم مجهودات الدولة في تحسين تشغيلية طالبي الشغل عبر برامج خصوصية تهدف إلى تطوير المهارات ودعم الادماج في الحياة المهنية.
[45] تتمثل التحديات التي يجابهها القطاع بالأساس في :
- عدم قدرة النسيج الاقتصادي على استيعاب الوافدين على سوق الشغل نتيجة للعوامل التالية : ضعف الاستثمار الخاص سواء الوطني أو الأجنبي ونقص في البنية الأساسية في المناطق الداخليةو توسّع التجارة الموازية،وضعف في نسبة التأطير وفي الإنتاجية، وضعف في الطاقة التشغيلية عموما للنسيج الاقتصادي نتيجة تركيبته التي تطغى عليها المؤسسات الصغرى والمتوسطة والمؤسسات متناهية الصغر وضعف تشغيلية المتخرجين من المنظومة الوطنية للتربية والتكوين.
[46] ضمّ جميع الوزارات وممثلين عن الاتحاد العام التونسي للشغل والاتحاد التونسي للصناعة والتجارة والصناعات التقليدية وممثلين عن مكونات المجتمع المدني للقيام بتشخيص توافقي يهدف بالأساس إلى استنباط حلول توافقية وقد انبثق عن الحوار الوطني للتشغيل الإعلان التونسي للتشغيل الذي أرسى عديدا من المبادئ.
[47] القانون عدد 19 لسنة 2008 المؤرخ في 25 فيفري 2008.
[48] (ملحق 2)
[49] قرار مؤرخ في 18 جانفي 2016 (ملحق عدد).
[50] (ملحق عدد)
[51] (ملحق عدد)
[52] (ملحق عدد)
[53] يذكر منها خاصة : مشروع قانون يتعلق بإحداث مدينة تونس الثّقافيّة وبضبط مشمولاتها ومكوّناتها وستضمّ المدينة الأقطاب الثّقافيّة والفنّية التّالية : مسرح أوبرا تونس، المكتبة السّينمائيّة، المتحف الوطني للفنون الحديثة، مركز السّياسات الثّقافيّة الاستشرافيّة والمكتبة الوطنيّة. ومشروع قانون يتعلق بالمتاحف الذي يهدف إلى سدّ الفراغ القانوني في المجال مع الإشارة إلى أنه يؤخذ بعين الاعتبار في صياغته المعايير الدّولية وتوصيات اليونسكو مع اعتبار الخصوصيّة التّونسيّة. ومشروع قانون يتعلق بالمهن الفنية والإبداعية الذي يهدف إلى إعطاء الفنان والمبدع الوضعية القانونية تضمن له حقوقه والمكانة الإجتماعية التي يحتلها بالنظر إلى مياهمته في تحقيق استدامة التنمية في أبعادها الاجتماعيةوالثقافية والاقتصادية والبيئية.

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Compilation on Tunisia

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of the information contained in the reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1-2]

2. The Committee against Torture[3] and the United Nations country team invited Tunisia to consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the International Convention on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.[4]

3. The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment noted the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.[5]

4. The Special Rapporteur on the human rights of migrants[6] and the Committee on Economic, Social and Cultural Rights[7] recommended that Tunisia ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

5. The Committee on Economic, Social and Cultural Rights invited Tunisia to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.[8]

6. The Committee on Enforced Disappearances encouraged Tunisia to expedite the procedures for making the declarations provided for in articles 31 and 32 of the International Convention for the Protection of Persons from Enforced Disappearance.[9]

7. The Working Group on the issue of discrimination against women in law and in practice recommended that Tunisia ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).[10]

8. The country team encouraged Tunisia to ratify the ILO Domestic Workers Convention, 2011 (No. 189) and to lift its general declarations in relation to the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women.[11] It noted that article 20 of the Constitution accorded supra-legislative and sub-constitutional authority to the international instruments approved and ratified by the Parliament.[12]

9. The Committee on Enforced Disappearances,[13] the Office of the United Nations High Commissioner for Human Rights (OHCHR)[14] and the country team[15] noted that Tunisia had extended an open invitation to all special procedure mandate holders of the Human Rights Council and that several mandate holders had already visited the country.

III. National human rights framework[16]

10. OHCHR noted that the Constitution adopted in January 2014 had strengthened the legislative framework through the enactment of a range of national human rights legislation. However, much work remained to be done in order to harmonize the legislative framework with the Constitution and international standards.[17]

11. The Committee against Torture welcomed the new Constitution, article 23 of which stated that the crime of torture was not subject to a statute of limitations.[18] The Special Rapporteur on torture noted with concern that the Constitution did not prohibit other cruel, inhuman or degrading treatment or punishment and urged the Government to bring its national legislation into line with article 23 of the Constitution.[19] He recommended that institutional and legal reforms be vigorously pursued with the aim of strengthening safeguards and prevention.[20]

12. The Special Rapporteurs on the situation of human rights defenders[21] and on migrants[22] noted that the Government of Tunisia had taken positive steps towards ensuring an institutional framework conducive to human rights, including the establishment of the Ministry of Human Rights and Transitional Justice, the national mechanism to prevent torture and the national human rights institution.

13. The Committee against Torture welcomed the establishment of the national mechanism to prevent torture[23] and recommended that Tunisia provide it with sufficient resources to allow it to begin to carry out its mandate immediately and to operate in accordance with Optional Protocol to the Convention against Torture and the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).[24] While noting that Tunisia was the first country in the North Africa and Middle East region to create a national preventive mechanism, the Subcommittee on the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment noted that the mechanism faced vast challenges, ranging from the real independence of its members to having the necessary financial resources to carry out its functions. Relations between the different human rights bodies also needed to be clarified.[25] The country team made similar recommendations.[26]

14. The Special Rapporteur on torture welcomed the adoption of new legislation on transitional justice and the establishment of the Truth and Dignity Commission and hoped that it would help to ensure access to justice and redress for victims of torture and ill-treatment in the transitional justice context. He also welcomed the establishment of a national preventive mechanism with broad powers to monitor all places of detention.[27]

15. At the end of his visit to Tunisia in April 2015, the United Nations High Commissioner for Human Rights encouraged the swift establishment of an independent national human rights institution and operationalization of an independent oversight mechanism on torture prevention.[28]

16. The Committee on Economic, Social and Cultural Rights welcomed the new bill on a human rights body and recommended that Tunisia ensure that the body was in line with the Paris Principles and that its mandate covered economic, social and cultural rights.[29] OHCHR[30] and the Special Rapporteur on the human rights of migrants issued similar recommendations.[31]

17. The country team[32] and OHCHR[33] noted the establishment, in October 2015, of a national mechanism for the drafting of reports for United Nations human rights mechanisms and the follow-up to their recommendations.

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[34]

18. OHCHR recommended criminalizing racism, in line with international commitments.[35]

19. The country team reported that article 230 of the Criminal Code criminalized sexual relations between persons of the same sex. The lesbian, gay, bisexual and transgender community continued to be the target of verbal and physical attacks. The authorities did not take appropriate action in response to incitement to murder and hatred.[36] The Committee against Torture[37] and the Committee on Economic, Social and Cultural Rights[38] made similar remarks and recommended that Tunisia repeal article 230 of the Criminal Code.

20. The Committee on Economic, Social and Cultural Rights was concerned at reports of discrimination against the members of the Amazigh minority, particularly in the exercise of their cultural rights, and at the lack of data disaggregated by ethnicity and cultural background, which prevented proper assessment of the situation of the Amazigh.[39]

2. Development, the environment, and business and human rights[40]

21. OHCHR recommended that Tunisia encourage development and investment in regions and sectors where there was a lack of private entrepreneurship, put in place a gender-sensitive political budget, enact fiscal reforms on tax evasion, fight corruption, in particular in the health sector, and develop a national plan in line with the United Nations Guiding Principles on Business and Human Rights.[41]

3. Human rights and counter-terrorism

22. In his 2015 mission report, the Special Rapporteur on torture stated that he had heard that tens or even hundreds of individuals had been subjected to ill-treatment or even torture in the context of counter-terrorism operations since his previous visit in 2011. He encouraged the Government to ensure, in law and in practice, that terrorism suspects were entitled to a fair trial and due process guarantees, including the exclusion of evidence obtained under torture from any proceedings.[42]

23. The Committee against Torture recognized the difficult context faced by Tunisia in the wake of terrorist attacks and was concerned about the adoption of Organic Act No. 2015-26 on combating terrorism, as the Act gave no clear definition of "act of terrorism" and extended the maximum duration of custody to 15 days. It recommended that Tunisia amend the Act.[43] The Committee on Enforced Disappearances expressed similar concerns.[44]

24. The Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination welcomed the efforts to consider alternatives to prosecution for returnee fighters, including social, cultural and religious approaches. In that regard, it recommended a balance of punitive and social measures, with a view to addressing the immediate and structural causes of the phenomenon of foreign fighters.[45]

B. Civil and political rights

1. Right to life, liberty and security of person[46]

25. The country team reported that Tunisia had imposed a de facto moratorium on the death penalty since 1991. Since 2011, it had reconsidered the prison treatment of persons condemned to death, affording them all the rights applicable to other prisoners and allowing their sentences to be commuted.[47]

26. The Committee against Torture was concerned about several cases in which people had died in detention in suspicious circumstances and which had still not been elucidated by the judicial authorities. The Committee recommended that Tunisia ensure that all deaths in detention were subject to impartial inquiries and that victims' families could take part in the judicial investigations as civil parties.[48]

27. Concerning allegations of the death of a political activist and trade unionist, the Special Rapporteurs on human rights defenders[49] and on extrajudicial, summary or arbitrary executions[50] noted that an investigation was ongoing and hoped to receive more details as soon as they were available.

28. In 2013, the High Commissioner for Human Rights condemned the assassination of a Tunisian activist[51] and the killing of an opposition leader.[52] The High Commissioner called on the authorities to take serious measures against politically motivated crimes and to provide better protection to those at risk.[53]

29. The Committee on Enforced Disappearances recommended that Tunisia adopt legislative measures to ensure that enforced disappearance was incorporated into domestic law as an autonomous offence, in accordance with the definition contained in article 2 of International Convention for the Protection of All Persons from Enforced Disappearance, and that the offence carried appropriate penalties while avoiding the death penalty.[54] The Committee also recommended that all past cases of enforced disappearance be thoroughly and impartially investigated until the fate of the disappeared persons was clarified.[55]

30. The Committee against Torture was concerned about reports of incommunicado detention before an arrest had been officially registered in cases relating to counter-terrorism activities and in which claims of torture had been made.[56] The Committee on Enforced Disappearances expressed similar concerns.[57]

31. The Committee against Torture remained concerned about consistent reports that torture and ill-treatment continued to be practised in the security sector, particularly by the police and National Guards, against persons held in custody, especially against terrorism suspects.[58] The Special Rapporteur on torture made similar remarks and added that, during his visit in June 2014, he had heard multiple credible accounts that detainees had been subjected to torture and ill-treatment, particularly during arrest, transfer, interrogation and the first hours of *garde à vue* detention (policy custody), particularly in police stations. He expressed serious concern over reports that law enforcement officials used torture and ill-treatment as a means of conducting investigations, extracting confessions and in the contexts of repression of demonstrations and counter-terrorism operations. He was, however, encouraged to find that accounts of torture and ill-treatment by guards in both *garde à vue* facilities and prisons were significantly fewer than before the revolution.[59]

32. At the end of his mission in 2014, the Special Rapporteur stated that Tunisia needed to recognize eradication of torture as a priority and implement reforms for strengthening safeguards and prevention.[60] He recommended that the Government in particular ensure prompt, independent and impartial investigations into all allegations of torture and ill-

treatment, as well as prosecutions and convictions in accordance with the severity of the crime.[61]

33. The Special Rapporteur noted that the lack of effective legal and procedural safeguards governing the arrest, interrogation and pre-charge detention of suspects continued to make arrestees extremely vulnerable to torture and other ill-treatment in practice.[62] He stated that further safeguards were needed to prevent torture, such as guaranteeing access to a lawyer from the moment of deprivation of liberty, shortening the period of time spent in detention under police custody and ensuring a complete medical examination at the moment of arrival and on transfer from another detention facility. He stressed that detention under police custody should be the exception and arrest with judicial warrant the rule.[63]

34. OHCHR recommended amending the Criminal Code and aligning the definition of torture with the provisions of the Convention against Torture.[64] The Committee against Torture recommended that Tunisia forward complaints of acts of torture or ill-treatment without delay to an investigating judge and ensure that judges launched investigations on their own initiative whenever there were reasonable grounds to believe that an act of torture or ill-treatment had been committed.[65]

35. The Special Rapporteur on torture stressed that prison overcrowding continued to be a critical problem that resulted in inhuman sanitary conditions and denial of critical services.[66] The Committee against Torture welcomed the adoption, in 2015, of an action plan for the reform of judicial and prison facilities and of a plan against overcrowding, in 2016.[67] OHCHR recommended the application of measures and sentences other than imprisonment and of forms of release with or without bail for offences without serious consequences for people or property and the continued application of the Act on community service orders as an alternative to imprisonment for certain offences.[68]

36. Regarding an alleged case of arbitrary detention, the Working Group on Arbitrary Detention requested the Government to release the person concerned and to provide him with appropriate compensation.[69] In another case involving several individuals, the Working Group requested the Government to release them without delay and to take the necessary steps to remedy the material and moral injury that they had suffered, including by providing reasonable and appropriate compensation.[70]

37. The Committee against Torture recommended that Tunisia provide all monitoring mechanisms with free access to all places of detention, including pretrial detention and interrogation centres, so that they could conduct unannounced visits and interview inmates without witnesses.[71]

38. The Committee on Enforced Disappearances recommended that Tunisia guarantee that all deprivations of liberty were entered in uniform registers and/or records, subject to periodic checks and that, in the event of irregularities, the officials responsible were adequately sanctioned.[72]

2. Administration of justice, including impunity, and the rule of law[73]

39. The Special Rapporteur on the independence of judges and lawyers recommended that the law governing the statute of judges specify clearly that the selection, appointment and promotion of judges be based on fair and objective criteria and procedures, in accordance with the Basic Principles on the Independence of the Judiciary and the Bangalore Principles of Judicial Conduct.[74] She also recommended that the Supreme Judicial Council and the courts enjoy real administrative and financial independence through their own separate budget allocation and management.[75]

40. The Special Rapporteur further recommended that the public prosecution service be independent of the Minister for Justice and be headed by the Prosecutor-General of the Republic, who should also be independent of the Minister for Justice, and that the service be financially autonomous.[76] The Committee against Torture urged Tunisia to ensure that public prosecutors properly monitored the measures taken by the officers of the security services in charge of investigations.[77]

41. On the issue of accountability of the judiciary, the Special Rapporteur on the independence of judges and lawyers was concerned about the "chilling effect" on the judiciary as a whole of the unilateral decision taken by the Ministry of Justice in May 2012 to summarily dismiss en masse more than 80 judges and prosecutors.[78]

42. The Special Rapporteur recommended that legislation on military courts be revised to ensure that the military court system only had jurisdiction to try military personnel who had committed military offences or breaches of military discipline, when such offences did not amount to serious human rights violations, and to transfer from military to civilian courts the investigation and jurisdiction of cases involving gross human rights violations committed with the alleged involvement of military and security forces.[79] OHCHR made similar recommendations.[80]

43. OHCHR recommended that sentence enforcement judges in prisons be allowed to devote all their time to their assigned tasks in order to strengthen their role in monitoring prison conditions and the enforcement of sentences, and helping selected detainees to obtain parole.[81]

44. The Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence stated that many alleged perpetrators of gross human rights violations remained active members of the security services. He warned that failure to address impunity would send a negative signal to Tunisian society and the lack of any visible reform coupled with the deep mistrust of the population in the justice and security sectors could, in the long run, lead to a situation where confidence in those institutions would be virtually impossible to re-establish.[82]

45. Special Rapporteur on human rights defenders recommended that impunity for human rights violations be addressed as a matter of priority by ensuring prompt and impartial investigations and bringing perpetrators promptly to justice.[83] The Special Rapporteur on truth and justice recommended that the Government break the cycle of impunity and promptly investigate past practices of torture and ill-treatment and other gross human rights violations in an independent, impartial and expedient manner, and prosecute all allegedly involved perpetrators and sanction them, if found guilty, in a way commensurate with the violations committed.[84]

46. The Committee against Torture remained concerned about reports of reprisals committed by the police against the families and counsels of victims.[85] It recommended that officers suspected of torture or ill-treatment be immediately suspended from duty for the duration of the investigation,[86] that a system be established to protect victims and witnesses of torture and that criminal and disciplinary measures be taken against those who carried out reprisals.[87] The Special Rapporteur on human rights defenders recommended that allegations of torture while in detention be investigated urgently and that perpetrators be held accountable.[88] OHCHR made similar recommendations.[89]

47. The Committee on Enforced Disappearances noted the measures taken by the Truth and Dignity Commission concerning reparation, including the urgent reparations provided in relation to health needs, and observed that the Commission was working to put in place a comprehensive reparations programme.[90] The Special Rapporteur on human rights defenders recommended that the process of providing effective remedy to the families of those killed during the revolution and to individuals who were wounded be expedited, including the provision of access to appropriate medical and rehabilitation services.[91]

48. The Committee on Economic, Social and Cultural Rights recommended that Tunisia redouble its efforts to combat corruption and ensure accountability and transparency in the management of public funds. The Committee further recommended that Tunisia raise awareness among political officials, parliamentarians and national and local public servants of the economic and social costs of corruption and encourage judges, prosecutors and public officials to strictly enforce the law.[92]

3. Fundamental freedoms and the right to participate in public and political life[93]

49. OHCHR recommended that the Government put an end to all administrative practices that infringe freedom of religion and belief, and ensure full respect for and

protection of the freedom to debate public affairs, hold peaceful meetings and demonstrations, express opposition and publish political ideas, particularly for women and young people.[94]

50. The Committee against Torture invited Tunisia to ensure that prompt and effective investigations were carried out into all threats and attacks targeting human rights defenders, bloggers, journalists and artists and that those responsible for such acts were brought to justice and punished in a manner commensurate with the gravity of their acts.[95] OHCHR recommended that the Government implement the recommendations contained in Human Rights Council resolution 27/5 on the safety of journalists.[96]

51. The United Nations Educational, Scientific and Cultural Organization (UNESCO) encouraged Tunisia to support the entering into force and the full implementation of the freedom of information law[97] and recommended that the introduction of self-regulatory mechanisms be facilitated, including a code of ethics, among media professionals.[98]

52. The Special Rapporteur on truth and justice recommended that Tunisia find ways to ensure that the voices of society, particularly victims, were taken into account in an ongoing manner and make effective efforts to remedy shortcomings in consultations, such as by reaching out to all sectors of society in a non-discriminatory manner, including women, so as to bridge the gap between the urban coastal and the interior regions of the country. He stated that inclusive consultations were a precondition for reversing the trend of social fragmentation.[99]

53. The Working Group on discrimination against women recommended that Tunisia create an enabling environment for the effective and sustainable functioning of autonomous women's organizations and groups.[100] The Special Rapporteur on human rights defenders recommended that the Government protect women human rights defenders if they were harassed or attacked and ensure a conducive work environment for them.[101]

54. The Committee on Economic, Social and Cultural Rights urged Tunisia to increase the representation of women in decision-making positions in public entities and better promote the balanced representation of the sexes in businesses, including through temporary special measures.[102]

4. Prohibition of all forms of slavery[103]

55. The Office of the United Nations High Commissioner for Refugees (UNHCR) welcomed the presentation of a draft law on preventing and combating trafficking in persons before the Assembly of People's Representatives in 2016.[104]

5. Right to privacy and family life

56. OHCHR recommended the prohibition of medical examinations, including with the consent of the person concerned, for non-medical purposes, in particular examinations intended to support legal arguments for criminal liability.[105]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work[106]

57. OHCHR indicated that the legacy of centralized economic, political and administrative development policies hindered the full enjoyment of human rights, particularly economic, social and cultural rights, for people living in the regions, including the right to work, education, health and water.[107]

58. The Committee on Economic, Social and Cultural Rights urged Tunisia to strengthen the capacity of the general labour inspectorate and recommended that it adopt appropriate measures to ensure that all allegations of violations of the right to work were investigated and extend labour inspections to the informal sector in order to safeguard the right to just and favourable conditions of work for all.[108] The Committee also recommended regularizing the situation of workers in the informal sector by progressively improving their working conditions and by extending social security schemes to include them.[109]

59. The Working Group on discrimination against women recommended that positive discrimination measures be introduced to encourage women's access to work and eliminate the gender pay gap.[110]

60. The Committee on Economic, Social and Cultural Rights urged Tunisia to take targeted measures with regard to women who were at the greatest disadvantage in the labour market, in particular rural women.[111]

2. Right to social security[112]

61. OHCHR indicated that social tensions remained high and had increased in intensity in 2016: a large proportion of the population did not enjoy full access to social protection that guaranteed a minimum standard of living and dignified living conditions.[113] The country team recommended ensuring social justice in order to safeguard the right to a decent life for all, without discrimination.[114] OHCHR recommended reforming the existing social security and protection system and coordinating it with a national action plan to combat poverty.[115]

62. The Committee on Economic, Social and Cultural Rights urged Tunisia to continue its efforts to set up a social security system that guaranteed broad social coverage, providing sufficient benefits to all workers and all disadvantaged persons and families in order to ensure they achieved an adequate standard of living.[116]

3. Right to an adequate standard of living[117]

63. The Committee on Economic, Social and Cultural Rights urged Tunisia to take all necessary measures to reduce poverty and extreme poverty, especially in rural areas and the inland regions, and to ensure that homeless persons were covered and enjoyed access to State assistance.[118] The Committee also urged Tunisia to invest, on the basis of appropriate geographic targeting, resources proportional to the extent of housing needs[119] and recommended that it ensure that persons who were forcibly evicted were provided with alternative accommodation or compensation.[120]

4. Right to health[121]

64. The Committee on Economic, Social and Cultural Rights requested that Tunisia monitor on a regular basis the implementation of the national health strategy and the effectiveness of the systems put in place to improve access to health care in rural areas experiencing a shortage of medical professionals, to measure the impact of the systems on the enjoyment of the right to health and to take remedial action where necessary.[122]

5. Right to education[123]

65. UNESCO welcomed the implementation of the national integrated education strategy[124] and, together with the Committee on Economic, Social and Cultural Rights, encouraged Tunisia to invest more resources in education in rural areas to close existing gaps, to widen access to preschool education, to increase the number of qualified teachers and adequate education facilities, especially in rural and remote areas, and to address the high dropout and illiteracy rates as a matter of urgency.[125]

66. The Working Group on discrimination against women recommended that policies be developed to encourage girls to remain in school, particularly in disadvantaged regions.[126]

D. Rights of specific persons or groups

1. Women[127]

67. The Working Group on discrimination against women remained concerned at the persistence of loopholes and ambiguities in national legislation that might undermine the protection of women's rights and the principle of gender equality.[128]

68. The country team indicated that unequal inheritance rights contributed to the impoverishment of women and were partly to blame for the low levels of female

entrepreneurship, owing to the lack of start-up capital. They were also a causal factor in women's lower rate of access to housing and increased vulnerability. The participation of Tunisian women in the political and economic spheres remained low.[129]

69. The country team[130] and OHCHR[131] recommended that Tunisia ensure that the legal system was fully in line with the Constitution and the Convention on the Elimination of All Forms of Discrimination against Women, including through reforming legislation that discriminated against women.

70. The Committee against Torture recommended that Tunisia expedite the adoption of the law to combat violence against women; make all forms of violence against women a criminal offence, including domestic violence and marital rape; amend the provisions of the Criminal Code in order to eliminate impunity; and ensure that cases of violence against women were effectively prosecuted.[132] The Committee on Economic, Social and Cultural Rights made similar recommendations.[133]

71. The country team noted that criminal legislation remained in force that was not in line with the Convention on the Elimination of All Forms of Discrimination against Women and that the Criminal Code and the Code of Criminal Procedure were in the process of being reformed.[134] The country team[135] and OHCHR[136] recommended that the Government fast-track the adoption of the law on violence against women, in line with international standards.

2. Children[137]

72. The country team encouraged the implementation of an independent mechanism for the monitoring of children's rights, in order to reduce the gap between regulations and practice and prevent all violations of children's rights.[138]

3. Persons with disabilities[139]

73. The country team indicated that a special parliamentary commission for the protection of persons with disabilities had been established within the Assembly of the Representatives of the People.[140] OHCHR indicated that a charter of rights for persons with disabilities had been adopted in November 2014 and that Act No. 30/2015 had been adopted in May 2016.[141]

74. UNESCO indicated that Tunisia should be encouraged to continue its efforts to improve conditions for persons with disabilities.[142]

4. Minorities and indigenous peoples[143]

75. The Committee on Economic, Social and Cultural Rights recommended that Tunisia officially recognize the language and culture of the indigenous Amazigh people and ensure their protection and promotion, and adopt legislative and administrative measures to provide instruction in the Amazigh language at all education levels.[144]

5. Migrants, refugees, asylum seekers and internally displaced persons

76. The Special Rapporteur on migrants observed that the system of detention and removal of migrants in Tunisia remained unclear and opaque, with the existence of 13 migrant detention centres remaining unconfirmed by the Government.[145] He recommended that the Government decriminalize irregular border crossing and strengthen the mechanisms to detect, identify and assist vulnerable migrants at the border, including minors, potential asylum seekers and victims of trafficking;[146] as well as ensure that detention of migrants was justified according to international law and limited to the minimum time necessary; that all places where migrants were held were fully disclosed and accessible by independent monitors; that unaccompanied minors and families with children were not detained; and that mechanisms to detect and shelters to protect unaccompanied migrants were developed.[147]

77. OHCHR indicated that, together with UNHCR, it had supported the development of an asylum bill which had been sent to the Assembly of the Representatives of the People. Once adopted, the legislation would fill the legal void on the issue of asylum.[148] The

country team,[149] the Committee on Enforced Disappearances[150] and the Committee on Economic, Social and Cultural Rights[151] issued similar recommendations. OHCHR recommended considering bringing national legislation on the work of migrants in Tunisia into line with international human rights instruments and standards.[152]

78. Regarding the relevant recommendations from the previous cycle of the universal periodic review,[153] UNHCR noted the inclusion of the provision on asylum and non-refoulement in the Constitution and commended the efforts made towards adopting a national protection framework on asylum,[154] while noting that the national legal protection framework was still incomplete.[155] The Special Rapporteur on migrants[156] and the Committee on Economic, Social and Cultural Rights[157] urged progress in the development of the asylum law.

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Tunisia will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/TNSession27.aspx.
[2] For relevant recommendations, see A/HRC/21/5, paras. 114.16, 114.66-114.69, 114.82, 114.95, 115.10, 115.13-115.14, 116.4 and 116.7-116.11.
[3] See CAT/C/TUN/CO/3, para. 46.
[4] United Nations country team submission for the universal periodic review of Tunisia, p. 11.
[5] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14671&LangID=E.
[6] See A/HRC/23/46/Add.1, para. 86 (d).
[7] See E/C.12/TUN/CO/3, para. 57.
[8] Ibid., para. 56.
[9] See CED/C/TUN/CO/1, para. 9.
[10] See A/HRC/23/50/Add.2, paras. 72 (e) and 73 (b).
[11] Country team submission, p. 11.
[12] Ibid., p. 4.
[13] See CED/C/TUN/CO/1, para. 6.
[14] OHCHR submission for the universal periodic review of Tunisia, p. 6.
[15] Country team submission, p. 4.
[16] For relevant recommendations, see A/HRC/21/5, paras. 114.1-114.6, 114.35, 114.51, 114.54, 114.56, 114.61-114.62, 114.71-114.76, 114.78, 114.80-114.81, 114.85, 115.3, 115.11-115.12, 115.15 and 116.5.
[17] OHCHR submission, p. 1.
[18] See CAT/C/TUN/CO/3, para. 5 (a); and CED/C/TUN/CO/1, para. 4 (a).
[19] See A/HRC/28/68/Add.2, para. 63.
[20] Ibid., para. 113.
[21] See A/HRC/22/47/Add.2, para. 96.
[22] See A/HRC/23/46/Add.1, para. 80.
[23] See CAT/C/TUN/CO/3, para. 33; also CAT/C/TUN/CO/3, paras. 5 (d) and 31; and CED/C/TUN/CO/1, para. 4 (c).
[24] See CAT/C/TUN/CO/3, para. 34; also www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=19823&LangID=E.
[25] See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=19823&LangID=E.
[26] Country team submission, p. 7.
[27] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14671&LangID=E.
[28] See http://ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=15866&LangID=E#sthash.USMzg3Mj.dpuf.
[29] See E/C.12/TUN/CO/3, para. 10.
[30] OHCHR submission, p. 7.
[31] See A/HRC/23/46/Add.1, para. 86 (e).
[32] Country team submission, p. 4.
[33] OHCHR submission, p. 6.
[34] For relevant recommendations, see A/HRC/21/5, paras. 114.91, 114.93 and 117.1-117.2.
[35] OHCHR submission, p. 11.
[36] Country team submission, pp. 5 and 11.
[37] See CAT/C/TUN/CO/3, paras. 41-42.
[38] See E/C.12/TUN/CO/3, paras. 24-25.
[39] Ibid., para. 54.

[40] For relevant recommendations, see A/HRC/21/5, paras. 114.3, 114.70, 114.77, 114.84 and 114.92.
[41] OHCHR submission, pp. 9 and 10.
[42] See A/HRC/28/68/Add.2, para. 84.
[43] See CAT/C/TUN/CO/3, paras. 11 and 12 (a).
[44] See CED/C/TUN/CO/1, para. 29.
[45] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16219&LangID=E.
[46] For relevant recommendations, see A/HRC/21/5, paras. 114.37-114.38, 114.44-114.50, 114.52 and 116.6.
[47] Country team submission, p. 7.
[48] See CAT/C/TUN/CO/3, paras. 29-30.
[49] See A/HRC/25/55/Add.3, paras. 423-424.
[50] See A/HRC/26/36/Add.2, para. 126.
[51] See http://newsarchive.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12970&LangID=E.
[52] See www.un.org/apps/news/story.asp?NewsID=45499#.WJ2oS2czXyA.
[53] Ibid.
[54] See CED /C/TUN/CO/1, para. 15 (a).
[55] Ibid., para. 23 (a).
[56] See CAT/C/TUN/CO/3, paras. 11 and 12 (c).
[57] See CED /C/TUN/CO/1, para. 29.
[58] See CAT/C/TUN/CO/3, paras. 15.
[59] See A/HRC/28/68/Add.2, para. 81.
[60] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14671&LangID=E.
[61] See A/HRC/28/68/Add.2, para. 113.
[62] Ibid., para. 67.
[63] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14671&LangID=E.
[64] OHCHR submission, p. 9.
[65] See CAT/C/TUN/CO/3, paras. 19 and 20 (b) and (f).
[66] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14671&LangID=E.
[67] See CAT/C/TUN/CO/3, para. 6 (b).
[68] OHCHR submission, p. 7. See also www.ohchr.org/EN/NewsEvents/Pages/ReportsOnStateOfPrisonsInTunisia.aspx.
[69] See A/HRC/WGAD/2013/1, para. 24.
[70] See A/HRC/WGAD/2014/39, para. 36.
[71] See CAT/C/TUN/CO/3, para. 32.
[72] See CED /C/TUN/CO/1, para. 30 (c)-(d).
[73] For relevant recommendations, see A/HRC/21/5, paras. 114.26-114.34, 114.36, 114.39-114.43, 114.53, 114.79, 115.1-115.2 and 115.4-115.9.
[74] See A/HRC/29/26/Add.3, para. 98.
[75] Ibid., para. 104.
[76] Ibid., para. 108.
[77] See CAT/C/TUN/CO/3, paras. 15 and 16 (a).
[78] See A/HRC/29/26/Add.3, para. 7.
[79] Ibid., para. 113.
[80] OHCHR submission, p. 8.
[81] Ibid., p. 7.
[82] See A/HRC/24/42/Add.1, para. 80.
[83] See A/HRC/22/47/Add.2, para. 100 (c).
[84] See A/HRC/24/42/Add.1, para. 87 (c) (iv).
[85] See CAT/C/TUN/CO/3, para. 21.
[86] Ibid., para. 20 (d).
[87] Ibid., para. 22 (c)-(d).
[88] See A/HRC/22/47/Add.2, para. 100 (f).
[89] OHCHR submission, p. 9.
[90] See CED /C/TUN/CO/1, para. 22.
[91] See A/HRC/22/47/Add.2, para. 100 (p). See also A/HRC/26/36/Add.2, para. 126.
[92] See E/C.12/TUN/CO/3, para.17.
[93] For relevant recommendations, see A/HRC/21/5, paras. 114.55, 114.57-114.60, 114.63-114.65 and 117.3.
[94] OHCHR submission, pp. 10-11.
[95] See CAT/C/TUN/CO/3, paras. 43-44.
[96] OHCHR submission, p. 10.

[97] See UNESCO submission for the universal periodic review of Tunisia, para. 76.
[98] Ibid., para. 77.
[99] See A/HRC/24/42/Add.1, para. 83 (e) and (f).
[100] See A/HRC/23/50/Add.2, para. 70 (e).
[101] See A/HRC/22/47/Add.2, para. 100 (h).
[102] See E/C.12/TUN/CO/3, para. 29 (c).
[103] For the relevant recommendation, see A/HRC/21/5, para. 114.8.
[104] UNHCR submission for the universal periodic review of Tunisia, p. 2.
[105] OHCHR submission, p. 7.
[106] For the relevant recommendation, see A/HRC/21/5, para. 114.95.
[107] OHCHR submission, p. 3.
[108] See E/C.12/TUN/CO/3, para. 35.
[109] Ibid., para. 31.
[110] See A/HRC/23/50/Add.2, para. 73 (c).
[111] See E/C.12/TUN/CO/3, para. 29 (a).
[112] For relevant recommendations, see A/HRC/21/5, paras. 114.2, 114.19, 114.21, 114.24, 114.70, 114.84-114.85, 114.87, 114.91 and 115.15.
[113] OHCHR submission, p. 3.
[114] Country team submission, p. 11.
[115] OHCHR submission, p. 9.
[116] See E/C.12/TUN/CO/3, para. 37.
[117] For relevant recommendations, see A/HRC/21/5, paras. 114.13, 114.83 and 114.87.
[118] See E/C.12/TUN/CO/3, para. 41.
[119] Ibid., para. 45.
[120] Ibid., para. 47.
[121] For relevant recommendations, see A/HRC/21/5, paras. 114.84-114.85, 114.89 and 115.15.
[122] See E/C.12/TUN/CO/3, para. 49.
[123] For relevant recommendations, see A/HRC/21/5, paras. 114.2, 114.19, 114.21, 114.24, 114.70, 114.84-114.85, 114.91 and 115.15.
[124] See UNESCO submission, para. 73.
[125] See E/C.12/TUN/CO/3, para. 52; and UNESCO submission, para. 74.4-74.5.
[126] See A/HRC/23/50/Add.2, para. 73 (d).
[127] For relevant recommendations, see A/HRC/21/5, paras. 114.1-114.14, 114.24, 114.37, 114.76, 116.1-116.4 and 116.12.
[128] See http://newsarchive.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12924&LangID=E.
[129] Country team submission, p. 5.
[130] Ibid., p. 11.
[131] OHCHR submission, p. 11.
[132] See CAT/C/TUN/CO/3, para. 40 (a)-(b).
[133] See E/C.12/TUN/CO/3, para. 39.
[134] Country team submission, p. 7.
[135] Ibid., p. 12.
[136] OHCHR submission, p. 11.
[137] For relevant recommendations, see A/HRC/21/5, paras. 114.8 and 114.17-114.21.
[138] Country team submission, p. 12.
[139] For relevant recommendations, see A/HRC/21/5, paras. 114.12, 114.22-114.25 and 114.76.
[140] Country team submission, p. 6.
[141] OHCHR submission, p. 5.
[142] See UNESCO submission, para. 74.7.
[143] For relevant recommendations, see A/HRC/21/5, paras. 114.65, 114.71, 114.73 and 114.76.
[144] See E/C.12/TUN/CO/3, para. 55.
[145] See A/HRC/23/46/Add.1, para. 83.
[146] Ibid., para. 87 (a) and (d).
[147] Ibid., para. 88 (a), (c) and (d).
[148] OHCHR submission, p. 5.
[149] Country team submission, p. 12.
[150] See CED/C/TUN/CO/1, para. 28.
[151] See E/C.12/TUN/CO/3, para. 33.
[152] OHCHR submission, p. 11.
[153] See A/HRC/21/5, paras. 114.72 and 114.78.
[154] UNHCR submission, p. 2.

[155] Ibid., p. 3.
[156] See A/HRC/23/46/Add. 1, para. 75.
[157] See E/C.12/TUN/Q/3, para. 34.

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Summary of stakeholders' submissions on Tunisia*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 23 stakeholders' submissions[1] to the universal periodic review, presented in a summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations[2] and cooperation with international human rights mechanisms and bodies[3]

2. JS9[4] and JS8[5] recommended ratifying the Second Protocol to the International Covenant on Civil and Political Rights and reviewing the anti-terrorism law and the Criminal Code, with a view to repealing the articles providing for capital punishment. JS8 also recommended that Tunisia continue to vote at the General Assembly in favour of a universal moratorium on executions.[6]

3. JS3 recommended the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural rights.[7]

4. The Carter Center (CC) recommended that Tunisia ratify the Protocol to the African Charter on Human and Peoples' rights on the rights of women in Africa (Maputo Protocol)

* The present document was not edited before being sent to United Nations translation services.

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and the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).[8]

5. JS9 recommended that Tunisia ratify the ILO Migration for Employment Convention (Revised), 1949 (No. 97) and Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) and, with JS1,[9] it recommended that Tunisia ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.[10]

6. ADF recommended that Tunisia take steps to recognize international obligations to protect the right to freedom of thought, conscience, and religion; and to ensure that domestic protections of these rights meet international law standards, especially article 18 of the International Covenant on Civil and Political Rights.[11]

7. Alkarama recommended acceding to the individual complaint mechanism established under article 31 of the International Convention for the Protection of All Persons against Enforced Disappearance (ICCPED).[12]

8. JS4 recommended establishing the supremacy of international human rights conventions, to which Tunisia is a party, on national legislation and the direct applicability and justiciability of such conventions.[13]

9. JS5 said that the current state of emergency had given the Government the power to suspend all strikes, demonstrations and gatherings and to control and censor the press and broadcast media, along with other media and publications.[14] Amnesty International (AI) recommended ensuring that any derogation from Tunisia's international obligations are exceptional and temporary and limited to what is strictly required by the exigencies of the situation; and[4] protecting non-derogable rights such as the right to life, the prohibition of torture and other-ill-treatment and the principle of non-discrimination.[15]

10. JS6 made reference to the recommendations accepted by Tunisia during the second UPR cycle to combat impunity[16] and recommended improved implementation of these recommendations and harmonization of national legislation with relevant international standards.[17]

B. National human rights framework[18]

11. Human Rights Watch (HRW) indicated that on January 2014, the National Constituent Assembly adopted a new Constitution featuring protection for civil and political, as well as social, economic, and cultural rights in accordance with Universal Periodic Review Working Group (UPR WG) recommendations.[19] The Constitution envisages the creation of a Constitutional Court that can invalidate laws not in conformity with the Constitution including human rights standards affirmed therein. On December 2015, the Parliament adopted Act No.50 creating the Constitutional Court, but the Court has still to be put in place and its members appointed.[20] HRW recommended ensuring the quick establishment of the Constitutional Court; and expediting legislative overhaul of Tunisian laws that are inconsistent with the Constitution and international human rights standards.[21]

12. Observatoire des Droits et Libertés en Tunisie (ODLT) noted that the new Constitution enshrined civil, political, social, economic and cultural rights, including equality, the right to form political parties, physical integrity and freedom of movement, opinion, expression, assembly and association; the right not to be subjected to arbitrary arrest; the guarantee of a fair trial, the criminalization of torture without a statute of limitations and a guarantee of the right to political asylum. Article 19 noted that Tunisia had made considerable progress in the protection of the right to freedom of expression and

information, and freedom generally, with the promulgation of the new Constitution.[22] Privacy International (PI) noted that Tunisia had adopted a new Constitution in January 2014 with a large majority. In that document, article 24 consecrates the right to privacy, article 32 guarantees the right of access to information and article 128 establishes the Human Rights Commission, which oversees respect for human rights and conducts investigations into their violation.[23]

13. CC noted that the 2014 Constitution has no provision prohibiting racial discrimination and that there is no law criminalizing such behaviour.[24]

14. JS7 recommended a comprehensive national policy on the protection of women against all forms of violence and the creation of a supportive environment for women victims of violence by reviewing and strengthening the legal framework.[25]

15. AI recommended Tunisia to ensure national laws, including the Criminal Code and the Code of Criminal Procedures and comply with the Constitution and the country's international human rights obligations.[26]

16. CC noted that Tunisia had adopted a new electoral law that allowed, for the first time in the history of the country, the democratic and transparent election of a Parliament and a President of the Republic in 2014. Tunisia had also created the National Mechanism for the Prevention of Torture whose members were elected by the Assembly of the Representatives of the People.[27]

17. Alkarama indicated that article 128 of the new Constitution established a new national human rights institution (NHRI) whose members are elected by the Parliament. The authorities announced that a draft law was being prepared to ensure its full compliance with the Paris Principles.[28]

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross cutting issues

Equality and non-discrimination[29]

18. CC indicated that the persistence of discrimination against the black population of Tunisia is a significant challenge to the development of a just society. Discrimination in the workplace, government institutions, and housing market prevent racial minorities from freely exercising their constitutionally guaranteed rights.[30] JS3 stated that black Tunisian citizens are subjected to discrimination and to a range of abuses by the State and individuals (physical and verbal attacks, and deliberate exclusion in many areas), as well as racist statements in public media without accountability.[31] JS3 recommended enacting a law criminalizing racial discrimination in all fields in line with international standards.[32]

19. JS1 said that, under article 21 of the new Constitution of January 2014, men and women were equal before the law in rights and duties, without discrimination.[33] Despite that, there was much discrimination against women, children, young people, persons with disabilities, lesbian, gay, bisexual, transgender, queer and intersex (LGBTQI) persons and persons living with HIV in both law and practice, which constituted an obstacle to the full enjoyment of sexual and reproductive rights.[34] JS1 recommended the adoption of a law against all forms of discrimination in respect of sexual and reproductive rights and the establishment of a follow-up mechanism.[35]

20. JS2 noted that LGBTQI people continued to endure every day all forms of stigma, discrimination and violence.[36] JS2 recommended enacting a law criminalizing all forms of

discrimination as well as incitement to hatred and violence against LGBTQI people; and recognizing hate crimes against LGBTQI people as aggravating circumstances for judgments.[37] JS10 indicated that LGBTI organizations had been subject to various forms of harassment, including judicial harassment.[38]

21. JS2[39] and HRW[40] noted that Tunisia had not acceded to two recommendations[41] in its last UPR, which requested the removal of laws that criminalize sexual activity between consenting adults of the same sex. The Tunisian Government mainly uses Article 230 of the Criminal Code condemning male and female homosexuality with a sentence of up to 3 years of imprisonment.[42] AI,[43] JS5[44] and Shams Association (SA)[45] made similar remarks. JS2 recommended Tunisia to immediately repeal Article 230; harmonize the Criminal Code and the procedural penal code with the Constitution of 2014 and the various treaties and conventions ratified by Tunisia; grant all citizens access to justice without discrimination, including that based on sexual orientation and gender identity.[46] HRW made a similar recommendation.[47] AI recommended immediately and unconditionally release anyone detained because of their actual or perceived sexual orientation or gender identity.[48] JS6 recommended decriminalizing homosexuality through amendments to Article 230 and other legislation that contradicts Articles 21, 23 and 24 of the Constitution, and introducing additional protections for LGTBI people from discrimination, violence, torture, and ill-treatment.[49]

22. SA recommended the repeal of provisions criminalizing sex and prostitution and the halt to State interference in citizens' private life.[50] JS7 recommended reviewing legislation relating to the sex trade; reducing the stigmatization of, discrimination against and harassment of female sex workers; and providing female sex workers with social security and the right to property and retirement.[51]

Development, environment and business and human rights[52]

23. JS1 recommended that Tunisia finalize the national indicators relating to sexual and reproductive health as part of Sustainable Development Goal 5 with a view to meeting the needs of the population in that regard, so as to ensure universal access to a full range of health services and reliable family planning methods by 2030.[53]

Human rights and counter-terrorism

24. Reporters Sans Frontières (RSF) indicated that in the past five years, a series of legislative texts have improved the protection of freedom of information in Tunisia, but that considerable pressure is put on journalists on the grounds of the need to combat terrorism. In November 2015, the Ministry of Justice issued a statement calling on the public prosecutor to use the new anti-terrorism law and article 23 of the penal code to prosecute any person who divulges information related to the fight against terrorism.[54]

25. Article 19 said that articles 5, 13 and 31 of Organic Act No. 26-2015 against terrorism and money laundering contained rather vague definitions of terrorism and other offences, in particular the offence of vindication of terrorism, which could give rise to prosecutions in cases that had, in fact, nothing to do with combating terrorism.[55] JS8 noted that, in the context of several successive terrorist attacks, the Tunisian Parliament had adopted the new law against terrorism, which introduced the death penalty, by a very large majority. The death penalty had not featured in the previous law against terrorism of 2003.[56]

26. PI noted that Act No. 26 on the fight against terrorism provides a broad definition of terrorist offences and other provisions, which would permit abuse of the right to privacy and other fundamental rights.[57] PI recommended that Tunisia review the anti-terrorism law

and ensure its compliance with international human rights law, including the right to privacy.[58]

27. HRW indicated that at least 139 Tunisians since November 2015 have been confined without charge pursuant to indefinite house arrest orders that the police deliver orally, providing no document that can enable the affected person to mount a court challenge. HRW recommended amending the counterterrorism law so as to clearly define acts of terrorism in conformity with international standards and ensure that all persons detained in cases of terrorism are charged promptly in accordance with international standards.[59]

28. JS10 noted that following a terrorist attack in July 2014, the Government sent suspension notices to more than 150 associations suspected of allegedly having ties to terrorists, in contravention of judicial safeguards of decree-law 2011-88.[60]

2. Civil and Political Rights

Right to life, liberty and security of the person[61]

29. JS3[62] and JS5[63] noted that the 2014 Constitution did not abolish the death penalty, which is enshrined in the Code of Criminal Procedure. However, Tunisia has not carried out any executions since 1991. JS8 noted that, in Tunisia, 135 persons condemned to death had been executed since the country's independence, between 1956 and 1991. The death penalty had served as an instrument to entrench the authority of the State, since nearly half of the sentences carried out had been on political grounds. Since 9 October 1991, Tunisia had observed a de facto moratorium on executions, but the moratorium had never been formalized in law. On 14 January 2012, 125 persons condemned to death had been granted a special pardon by President Moncef Marzouki a month after his election. Their sentences had been commuted to life imprisonment.[64]

30. AI regretted that Tunisia failed to support recommendations to abolish the death penalty. While there continues to be a moratorium on executions, Tunisia has introduced new laws that prescribe the death penalty for various offences.[65] AI recommended Tunisia to abolish the death penalty.[66]

31. JS6 regretted the decision of Tunisia to note recommendations calling for the elimination of the death penalty during the second UPR cycle[67] and recommended that Tunisia improve implementation of accepted recommendations,[68] including those calling for the elimination of torture, cruel and inhuman or degrading treatment,[69] in part by ratifying the OP2-ICCPR and amending Article 101 of the Criminal Code.[70]

32. Alkarama indicated that the National Constituent Assembly passed Organic Act No. 43/2013 establishing the National Authority for the Prevention of Torture (NAPT) on 23 October 2013 and elected its 16 members on 30 March 2016. Alkarama noted that, according to Article 13 of Law No 43/2013, authorities may refuse to schedule NAPT visits "for urgent and compelling grounds of national defence, public safety, natural disaster or serious disorder". Alkarama recommended removing the restrictions contained in Organic Act No. 43/2013 in order to give NAPT full and uninterrupted access to all places of detention. Alkarama recommended Tunisia to guarantee the independence of NAPT and allocate the necessary resources to this end.[71] JS3[72] and HRW[73] recommended supporting NAPT and enabling means necessary for the proper conduct and carry out of the tasks entrusted with it.

33. AI stated that the use of torture and other ill-treatment is prevalent in Tunisia, especially in pre-charge detention.[74] ODTL noted a remarkable increase in torture cases, in particular in the framework of the fight against terrorism.[75] AI[76] and HRW[77] stated that the definition of torture in Tunisian law continues to be inconsistent with international standards and in some instances continues to be subject to a statute of limitation. AI

recommended Tunisia to bring the definition of torture in Article 101bis of the Criminal Code in line with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and remove any reference in national legislation to a statute of limitation for the crime of torture.[78] HRW made similar recommendations.[79]

34. ODTL pointed out that there was no government programme for the rehabilitation of victims of torture, who often suffered from various mental health problems, and, moreover, many victims abandoned the idea of taking action against security officers because of harassment and reprisals. Furthermore, in view of the fact that most victims of torture came from unprivileged areas, they were often persecuted.[80] ODTL recommended holding an inquiry into all the cases of allegations of torture and ill-treatment, to bring all perpetrators to justice and to rehabilitate and address the urgent needs of victims of torture and ill-treatment.[81]

35. Alkarama recommended conducting an independent investigation on the use of excessive force by law enforcement officers; and ensuring that they respect the Basic Principles on the Use of Force and Firearms.[82] JS10 recommended that all instances of excessive force committed by security forces while monitoring protests and demonstrations should be immediately and impartially investigated.[83]

36. JS3[84] and Alkarama[85] remained concerned about prison overcrowding. In early April 2016, the country reportedly accounted for 24,000 detainees — most of whom were placed in pretrial detention — even though total capacity was 16,000.[86] JS3[87] and Alkarama[88] recommended putting an end to prison overcrowding, namely by adopting alternative measures to pretrial detention. SA recommended Tunisia to stop the abuse of prisoners and ensure their right to fair treatment during all procedural and judicial stages, in accordance with the Tunisian Constitution and international treaties.[89]

Administration of justice, including impunity, and the rule of law[90]

37. The Association of Tunisian Magistrates (ATM) expressed concern at the reform of the judicial system, the revision of the laws concerning the status of judges, the implementation of transitional justice and the fight against impunity. The Association indicated that the State has not enacted the basic law for judges, which guarantees the principle of the independence of judges in accordance with international standards and, inter alia, does not guarantee them adequate remuneration.[91] HRW noted that Tunisian authorities have not yet undertaken to revise the law on the statute of the Magistrates, despite accepting a recommendation on it during the 2012 UPR review.[92] ATM recommended revising the law for the budget allocated to the justice system to guarantee administrative and financial autonomy of all courts, with a view to improve the quality of the judiciary.[93]

38. HRW indicated that Tunisia supported a recommendation to reform the judicial system to establish an independent judicial power in accordance with international standards, and ensure the existence of the rule of law and justice.[94] Alkarama identified a lack of impartiality of the judiciary, which is reflected in the lack of independent investigations and prosecutions when allegations of torture are made to public prosecutors by detainees presented before them.[95] ATM recommended speeding up the enactment of a law regulating public prosecution and ensuring magistrates independence from the Executive in accordance with the Constitution and international standards.[96]

39. Alkarama[97] and HRW[98] indicated that on 24 December 2013 the National Constituent Assembly passed the Law on Establishing and Organizing Transitional Justice, which created the Truth and Dignity Commission to shed light on serious human rights violations committed between 1955 and 2013. Alkarama stated that this transitional justice process was not accompanied by a security sector reform, leading to a return to past

practices such as arbitrary detention, torture, and police violence, especially in the fight against terrorism. [99] JS6 recommended that the Tunisian government improve the transitional justice process to protect truth, justice, reparation, and reconciliation.[100] HRW recommended ensuring full support for the work of the Truth and Dignity Commission.[101]

40. JS6 noted with regret the decision to transfer the cases of President Ben Ali and of politicians, former officials, and security forces operating under his regime to military courts that did not guarantee the right to a fair trial and the right to be tried within a reasonable time.[102] HRW noted that although ex-President Ben Ali's security forces used torture extensively, the authorities have failed in the five years since his overthrow to investigate or hold anyone accountable for the vast majority of torture cases.[103]

41. HRW recommended Tunisia to ensure accountability for grave human rights abuses covering the widespread crimes committed during the 23 years of the Ben Ali era.[104] JS4 recommended Tunisia to implement all measures to combat impunity, initiate proceedings against perpetrators of human rights violations and provide compensation for victims.[105] JS3[106] and ODTL[107] made similar recommendations.

42. ATM recommended revising the law for the budget allocated to the justice system to guarantee administrative and financial autonomy of all courts, with a view to improving the quality of the judiciary; and reviewing the infrastructure of the Courts, providing efficient logistical equipment and enabling safety measures for Courts headquarters.[108]

Fundamental freedoms and the right to participate in public and political life[109]

43. JS5 noted that freedom of conscience remained a social taboo in Tunisia, both for reasons of cultural heritage or education and as the normal and expected result of the religious edicts or "takfir fatwas" that had been issued on a massive scale over the past few years.[110]

44. ADF stated that despite the constitutional protection of the right to freedom of thought, conscience and religion introduced in 2014, Christians and other religious minorities continue to be discriminated against and prosecuted in Tunisia. Discrimination against Christians and other religious minorities is deeply rooted in government policy and in societal views. [111] ADF recommended that Tunisia take steps to combat Islamic extremism; protect religious minorities from persecution and discrimination; take steps to accommodate interreligious dialogue; and ensure that parents' right to choose education for their children and the right to educate their children in accordance with their conviction are duly respected.[112]

45. JS10 recommended ensuring that human rights defenders are able to carry out their legitimate activities without fear or undue hindrance, and that all detained human rights defenders including journalists and bloggers, be unconditionally and immediately released. Their cases should be reviewed to prevent further harassment.[113]

46. SA recommended enacting a law that protect human rights defenders while carrying out their activities, without any discrimination and with guarantees of non-interference in their private life and access to courts to exercise the right to remedy.[114] JS6 recommended that the Government protect human rights defenders from death threats, physical aggression, smear campaigns, judicial harassment[115] and other violations of the Declaration on Defenders of Human Rights, and recommended that the Government conduct prompt and transparent investigations into these violations and administer justice accordingly.[116]

47. HRW stated that the Criminal Code, the Code of Military Justice and the Telecommunications Act still contain articles that impose prison terms as a punishment for speech offences[117] and recommended that the Parliament eliminate the remaining repressive laws and provisions, such as articles criminalizing defamation. [118] JS10 made similar

recommendations,[119] and also recommended that all civil society organizations that had been arbitrarily suspended be immediately reinstated. Suspensions of civil society organizations should follow article 33 of Decree-Law 2011-88, which dictates that associations may only be suspended or dissolved following a judicial decision.[120] ODTL recommended taking the necessary measures to remove the administration's power to prevent and withdraw the right to demonstrate.[121]

48. Article 19 recommended that the definition of a journalist in the new Press Code should be in conformity with international standards and that the criminal sanctions against journalists in the new Code should be replaced by appropriate civil provisions.[122]

49. JS10 welcomed Tunisia signing the Arab Declaration on Media Freedom on 26 August 2016,[123] but noted that on several occasions, security forces have intimidated and harassed journalists for covering terrorist attacks or anti-government protests.[124]

50. RSF recommended Tunisia to: adopt legislation on the print, broadcast and online media that conforms to the 2014 Constitution, Tunisia's international obligations, and civil society's recommendations; stop using the Criminal Code or the anti-terrorism laws to prosecute journalists for press offences and instead only use the provisions of Decree-Law No. 2011-115 on press freedom; proceed with the creation of a mixed commission of enquiry, as announced in September 2015, into the September 2014 disappearance of two Tunisian journalists in a neighbouring country and shed all possible light on their fate.[125]

51. JS6 recommended that the Tunisian Government guarantee the right to information, freedom of expression and freedom of press, and relevant provisions of the 2014 Constitution and the Media Act.[126] JS6 also recommended that the Government adopt additional protections for activists, journalists, and artists who are targets for violence and who face harassment under the outdated criminal code.[127] JS10 made similar recommendations.[128]

52. CC recommended that Tunisia implement the legal framework of the constitutional authority regulating the audiovisual media sector and introduce legal measures to sanction violence committed against journalists.[129] ODTL made similar recommendations.[130]

53. ODTL estimated that over 50,000 citizens were subjected to border procedures, including inspections and questioning that could take many hours each time. ODTL recommended taking the necessary measures to lift all restrictions limiting freedom of movement.[131]

54. CC recommended that Tunisia grant access to the exercise of voting rights of vulnerable groups.[132]

55. Freemuse noted that, despite artistic freedom is guaranteed by Article 42 of the Constitution, artists are often exposed to threats, assaults, prosecution and imprisonment.[133] Tunisia's support to recommendations 114.58, 114.59 and 115.4 has not prevented State and non-State actors to limit artistic expression.[134] Freemuse recommended taking measures to ensure that the Penal Code, other regulations and arbitrary practices are not used to quell artistic expressions critical of the police and other aspects of society. Freemuse also recommended that criminal defamation laws be abolished and replaced, where necessary, with appropriate civil defamation laws.[135]

Prohibition of all forms of slavery[136]

56. JS4 noted that the practice of human trafficking is a significant issue within Tunisia[137] and that Tunisia accepted a recommendation related to taking measures with respect to human trafficking.[138]

Right to privacy and family life[139]

57. PI recommended Tunisia to review all laws that regulate surveillance or otherwise impact on the right to privacy of individuals to ensure they are compliant with international human rights law.[140]

58. JS4 recommended setting up a comprehensive strategy to eliminate discrimination against women that still exists in the national legislation, in particular concerning marriage.[141]

59. JS1[142] and JS5[143] said that Tunisian women were allowed to marry only Muslim men; moreover, where a Tunisian woman married a non-Muslim outside Tunisian territory, there was difficulty in getting the marriage recognized. JS1 recommended that Tunisia grant women the right to transmit their nationality to their foreign husbands, on an equal footing with men.[144] JS6 recommended increasing the decision-making power of women by repealing the 1973 marriage prohibition on Tunisian Muslims seeking to marry non-Muslims.[145]

60. JS1 said that the Tunisian Criminal Code criminalized all extramarital relations, characterizing them as crimes of adultery punishable by 5 years' imprisonment. Along the same lines, all sexual relations in private between consenting adults of the same sex were criminalized and punishable by a prison term of up to 3 years.[146]

61. JS7 said that the situation of women heads of single-parent families had deteriorated overall in terms of social and psychological care after the 2011 revolution.[147]

3. Economic, Social and Cultural Rights

Right to work and to just and favourable conditions of work[148]

62. SA recommended guaranteeing the right to work and equality of all workers in the public sector, and ensuring human dignity for them, without any discrimination on sexual identity or gender.[149]

Right to an adequate standard of living[150]

63. JS7 recommended putting in place programmes to combat poverty and precariousness by strengthening projects for the economic empowerment of women, particularly vulnerable women.[151]

Right to education[152]

64. The Good Group recommended Tunisia to create a national action plan for human rights education in partnership with students, teachers, college and university faculty and administrators; and develop a national human rights curriculum for elementary and high school based on the Convention on the Rights of the Child and the Universal Declaration of Human Rights.[153]

4. Rights of specific persons or groups

Women[154]

65. JS1 said that Tunisia, a pioneer in the promotion of the status of women in the Arab world, possessed a wide array of laws for the protection of women's rights.[155] HRW made a similar statement.[156]

66. JS4[157] and JS5[158] noted that violence against women remains a widespread problem in Tunisia. JS4 stated that very few women victims of violence in Tunisia report the

violence to the authorities. Domestic violence and rape are also underreported due to social and cultural pressures, including concerns to protect the image and reputation of the victim's family, and the fear of ending up homeless. Police often refuse to intervene when women ask for help, viewing domestic violence as a private matter.[159] AI recommended adopting a comprehensive law on violence against women and girls that includes the provision of protection orders and appropriate penalties, and compensation for the victims of such violence.[160] HRW made a similar recommendation.[161]

67. JS4 also stated that no specific legislation addressing violence against women exists in Tunisia. Instead, violence against women is covered under generally applicable provisions of the Penal Code, and rarely enforced in cases of violence against women such as domestic violence and rape. Marital rape is not a crime under the Penal Code, which classifies rape as a crime against morality, rather than as a crime against persons.[162] JS4 recommended Tunisia to: amend the Penal and Personal Status Codes to criminalize marital rape; abolish Penal Code provisions that allow a perpetrator of sexual violence to escape prosecution for marrying his victim; create a legal framework and provide state financial support for shelters and housing to female victims of violence.[163] JS1 made similar remarks and recommendations.[164]

68. JS7 recommended putting in place structures to provide women victims of violence with comprehensive medical, legal, psychological, social and economic assistance for their support and social reintegration and implementing programmes of psychological and social care for the perpetrators of violence in order to prevent their reoffending.[165]

69. JS1 said that single women suffered from a high level of social stigmatization and discrimination, not least as concerned their right of access to abortion.[166] JS7 recommended guaranteeing single mothers access to basic rights; promoting their economic and social integration; and improving the legal framework so as to provide better protection for mothers and their children.[167]

70. JS1 said that prostitutes were also subject to a high level of social stigmatization and were more susceptible to being victims of violence. JS1 recommended implementing the recommendations of the Committee on the Elimination of Discrimination against Women; adopting as soon as possible the comprehensive law on violence against women and girls; and establishing a compulsory programme of special education to promote the elimination of violence against women.[168]

71. JS6 commended Tunisia for acceptting recommendations calling for the elimination of discrimination against women,[169] suggested harmonizing national legislation with the Convention on the Elimination of All Forms of Discrimination against Women[170] and international standards by revising proviisions of the Personal Statute Law on dowry, inheritance and child custody awards,[1711] by amending the 2016 draft organic law on violence against women to include the explicit criminalization of marital rape,[172] and by guaranteeing the right to sexual and reprodluctive health.[173]

72. HRW noted that the 2014 Constitution provides improved protection for women's rights and obligates Tunisia to work towarrds achieving gender parity in elected assemblies during national, regional and municipal ellections. HRW also indicated that Tunisia noted all recommendations related to gender parity in inheritance matters during its 2012 UPR review.[174] HRW recommended reforming tthe personal status code to eliminate all forms of discrimination between men and women..[175] JS6 recommended prioritizing the economic and political inclusion of women.[176]

73. Freemuse stated that women artists are singled out and targeted for their gender, often by non-state actors. Freemuse recommended putting in place a comprehensive strategy to eliminate threats, patriarchal attitudes and negative stereotypes of women artists.[177]

Children[178]

74. JS7 noted that, in a country where there was still a high rate of abandonment of children, the birth of children as a result of extramarital relations was condemned by religion and by the country's practices and customs. Children who were abandoned or lacked family support in Tunisia continued to be stigmatized and were not provided with appropriate care enabling them to have the same opportunities or enjoy the same rights as their fellow citizens.[179]

Persons with disabilities[180]

75. JS3 recommended the integration of young people with disabilities in all spheres of life, especially regarding education, health, employment, culture and entertainment.[181]

76. JS8 recommended guaranteeing that persons with mental disabilities were exempt from criminal responsibility, in line with international standards and Tunisian law.[182]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions:

ADF	ADF International, Geneva (Switzerland);
AI	Amnesty International, London (United Kingdom of Great Britain and Northern Ireland);
Alkarama	Alkarama, Geneva (Switzerland);
Article 19	Article 19, London (United Kingdom of Great Britain and Northern Ireland);
ATM	Association of Tunisian Magistrates, Tunis (Tunisia);
SA	Association Shams, Tunis (Tunisia);
Freemuse	Freemuse, Copenhagen (Denmark);
GG	The Good Group, Honolulu (United States of America);
HRW	Human Rights Watch, Geneva (Switzerland);
ODLT	Observatoire des Droits et Libertes en Tunisie, Tunis (Tunisie);
PI	Privacy International, London (United Kingdom of Great Britain and Northern Ireland);
RSF – RWB	Reporters Without Borders, Paris (France);
CC	The Carter Centre, Atlanta, (United States of America).

Joint submissions:

JS1	**Joint submission 1 submitted by**: 1.Association Tunisienne de la Santé et de la Reproduction (ATSR) 2.Amnesty International / Tunisie 3.DAMJ, l'Association Tunisienne pour la justice et l'égalité 4.Association Tunisienne de Prévention Positive (ATP+) 5.Association Tunisienne de Lutte contre les MST/SIDA (ATL) 6.Tunisian Forum for Youth Empowerment (TFYE) 7.Groupe de Plaidoyer des Droits des Personnes Handicapées GPDPH 8.Association Tunisienne des Compétences Féminines 9.Association Tunisienne des Sages-Femmes (ATSF);
JS2	**Joint submission 2 submitted by**: Damj, l'association tunisienne pour la justice et l'égalité – L'initiative Mawjoudin pour l'égalité – L'association Shams – KELMTY – L'association Chouf - Réseau-Euro-Méditerranéen des Droits Humains – Association Tunisienne des Femmes Démocrates (ATFD) – Comité Pour le Respect des Libertés et des Droits de l'Homme en Tunisie (CRLDHT) - Association Beity –

	Association De Défense Des Libertés Individuelles (ADLI) – L'Organisation Tunisienne de la Justice Sociale et de la Solidarité (OTJUSS) – Association pour la promotion du Droit à la Différence (ADD) – L'organisation Kistas Pour Le Développement de la Démocratie et la Défense des Droits de l'Homme (KISTAS) – l'Association Tunisienne de Prévention Positive (ATP+) – Groupe De Plaidoyer Des Personnes Handicapées – Le groupe Tawhida Ben Cheikh – Réseau Dostourna – Coexistence with Alternative Language and Action Movement (CALAM) – Free Sight Association;
JS3	**Joint submission 3 submitted by**: Amnesty International Tunisian branch – Tunisian reproductive health – Tunisian Democratic Women – Advocate for people with disabilities – national epicenter of Tunisian Journalists – Tunisia Press Freedom – Tunisian learning difficulties – Path of development of our country – Afaq Association of Homeland security and Customs – Dignity of the human voice – Institute for democracy and development – Tunisian Center for community Media – Identity resistance – Tunisia for the support of minorities – Women – Energies of young leaders in Tunisia – The will of the citizen – Defense of human rights – Together Merge, the Tunisian Association for justice and equality – Tunisian Academy of Sciences business Administration – Social justice and sustainable development – Youths without borders – Tunisian Media alternative;
JS4	**Joint submission 4 submitted by**: Advocates for Human Rights, Mobilising for Rights Associates;
JS5	**Joint submission 5 submitted by**: Coexistence Organisation, Ariana (Tunisia) Muslims for Progressive values, Los Aangeles (United States of America);
JS6	**Joint submission 6 submitted by**: Fédération internationale des ligues des droits de l'Homme (FIDH) Avocats Sans Frontières (ASF) Organisation Mondiale contre la Torture (OMCT) Doustourna (Tunisie) ADLI - Association de Défense des Libertés individuelles (Tunisie) DAMJ – L'association tunisienne pour la justice et l'égalité (Tunisie);
JS7	**Joint submission 7 submitted by**: Association Tunisienne des Villages d'Enfants SOS – Réseau Amen Enfance – Association Tunisienne de Prévention positive – Association Tunisienne de Lutte contre les Comportement à Risque;
JS8	**Joint submission 8 submitted by**: Coalition tunisienne contre la peine de mort, Ensemble contre la peine de mort;
JS9	**Joint submission 9 submitted by**: La Ligue Tunisienne pour la Défense des Droits de l'Homme (LTDH) L'association Tunisienne des Femmes Démocrates (ATFD) L'Association des Femmes Tunisiennes pour La Recherche sur le Développement (AFTURD) Le Forum Tunisien des Droits Économiques et Sociaux (FTDES) L'Union Générale des Travailleurs Tunisiens (UGTT) Le Comité Pour le Respect des Libertés et des Droits de l'Homme en Tunisie (CRLDHT) Association De Défense Des Libertés Individuelles (ADLI) Association Beity Association Tunisienne pour la Promotion du Droit à la Différence (ATPDD) UTOPIA L'Association Tawhida Ben Cheikh pour l'aide médicale La Coalition Pour Les Femmes De Tunisie Association Amal pour la femme et la famille Réseau Dostourna Association Citoyenneté et

	Liberté Djerba (ACL) Free Sight Association L'Organisation Tunisienne de la Justice Sociale et de la Solidarité (OTJUSS) L'Institut du Caire pour les Etudes de Droits de l'Homme Le réseau EuroMed pour les Droits de l'Homme;
JS10	**Joint submission 10 submitted by**: Civicus: World Alliance for Citizen Participation; The Movement of the Amazigh of Tunisia, Geneva (Switzerland).

[2] The following abbreviations are used in UPR documents:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 1	Optional Protocol to ICCPR;
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;
OP-CEDAW	Optional Protocol to CEDAW;
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CAT	Optional Protocol to CAT;
CRC	Convention on the Rights of the Child;
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict;
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
OP-CRC-IC	Optional Protocol to CRC on a communications procedure;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to CRPD;
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

[3] For relevant recommendations see A/HRC/21/5: paras. 114.16, 66, 67, 68, 69, 82, 95; 115.10, 13, 14; A/HRC/21/5/Add.1: 116.4, 7, 8, 9, 10, 11.

[4] JS9, Présentation pour l'Examen Périodique Universel de la Tunisie, page 10.

[5] JS8, Présentation pour l'Examen Périodique Universel de la Tunisie, page 4.

[6] JS8, Présentation pour l'Examen Périodique Universel de la Tunisie, page 4.

[7] JS3, Submission to the UPR of Tunisia, page 11.

[8] The Carter Center, Submission to the UPR of Tunisia, page 3.

[9] JS1, Submission to the UPR of Tunisia, page 3.

[10] JS9, Présentation pour l'Examen Périodique Universel de la Tunisie, page 12.

[11] ADF, Submission to the UPR of Tunisia, pages 4 and 5.

[12] Alkarama, Submission to the UPR of Tunisia, page 3.

[13] JS4, Submission to the UPR of Tunisia, page 10.

[14] JS5, Submission to the UPR of Tunisia, page 6.

[15] AI, Submission to the UPR of Tunisia, page 7.

[16] JS6, Submission to the UPR of Tunisia, pages 2, 3; *See also* recommendations 114.30 (Peru), 114.39 (Republic of Korea), 114.40 (Togo), 114.41 (Chile), 114.42 (Belgium), 114.43 (Morocco) in A/HRC/21/5.

[17] JS6, Submission to the UPR of Tunisia, pages 2, 3.

[18] See A/HRC/21/5: paras. 114.1, 2, 3, 4, 5, 6, 35, 51,54, 56, 61, 62, 71, 72, 73, 74, 75, 76, 78, 80, 81, 85; 115.3, 11, 12, 15; A/HRC/21/5/Add.1, para. 116.5.

[19] HRW, Submission to the UPR of Tunisia, page 2. See recommendations 114.73 (Germany) and 114.75 (Spain) in A/HRC/21/5.
[20] HRW, Submission to the UPR of Tunisia, page 1.
[21] HRW, Submission to the UPR of Tunisia, page 3.
[22] Article 19, Submission to the UPR for Tunisia, page 1.
[23] PI, Submission for the Universal Periodic Review of Tunisia, pages 4, 5 and 6.
[24] The Carter Center, Submission to the UPR of Tunisia, page 4.
[25] JS7, Submission to the UPR for Tunisia, page 12.
[26] AI, Submission to the UPR for Tunisia, page 7.
[27] The Carter Center, Submission to the UPR of Tunisia, page 1.
[28] Alkarama, Submission to the UPR of Tunisia, page 2.
[29] A/HRC/21/5: paras 114.91, 93; 117.1, 2.
[30] The Carter Center, Submission to the UPR of Tunisia, page 4.
[31] JS3, Submission to the UPR for Tunisia, page 4.
[32] JS3, Submission to the UPR for Tunisia, page 10.
[33] JS1, Submission to the UPR of Tunisia, page 9.
[34] JS1, Submission to the UPR of Tunisia, page 6.
[35] JS1, Submission to the UPR of Tunisia, page 3.
[36] JS2, Submission to the UPR of Tunisia, page 8.
[37] JS2, Submission to the UPR of Tunisia, page 6.
[38] JS10, Submission to the UPR of Tunisia, page 5.
[39] JS2, Submission to the UPR of Tunisia, page 6.
[40] HRW, Submission to the UPR of Tunisia, page 10.
[41] A/HRC/21/5, recommendations 117.1 (Spain) and 117.2 (Austria).
[42] JS2, Submission to the UPR for Tunisia, page 3.
[43] AI, Submission to the UPR of Tunisia, page 5.
[44] JS5, Submission to the UPR for Tunisia, page 6.
[45] SA, Submission to the UPR for Tunisia, page 1.
[46] JS2, Submission to the UPR for Tunisia, page 4.
[47] HRW, Submission to the UPR of Tunisia, page 10.
[48] AI, Submission to the UPR for Tunisia, page 8.
[49] JS6, Submission to the UPR of Tunisia, page 8.
[50] SA, Submission to the UPR for Tunisia, page 4.
[51] JS7, Submission to the UPR of Tunisia, page 11.
[52] See A/HRC/21/5: 114.70.
[53] JS1, Submission to the UPR of Tunisia, page 9.
[54] RSF, Submission to the UPR of Tunisia, pages 1 and 2.
[55] Article 19, Submission to the UPR for Tunisia, page 3.
[56] JS8, Submission for the Universal Periodic Review of Tunisia, page 3.
[57] PI, Submission for the Universal Periodic Review of Tunisia, pages 7 and 8.
[58] PI, Submission for the Universal Periodic Review of Tunisia, page 12.
[59] HRW, Submission to the UPR of Tunisia, pages 6 and 7.
[60] JS10, Submission to the UPR of Tunisia, page 4.
[61] A/HRC/21/5: paras 114.37, 38, 44-50, 52; A/HRC/21/5/Add.1: 116.6-11.
[62] JS3, Submission to the UPR of Tunisia, page 8.
[63] JS5, Submission to the UPR of Tunisia, page2.
[64] JS8, Submission for the Universal Periodic Review of Tunisia, page 3.
[65] AI, Submission to the UPR of Tunisia, page 1. AI made reference to recommendations 116.6-11 in A/HRC/21/5/Add.1.
[66] AI, Submission to the UPR of Tunisia, page 7.
[67] JS6, Submission to the UPR of Tunisia, page 7. *See* recommendations 116.6-11 in A/HRC/21/5/Add.1.
[68] JS6, Submission to the UPR of Tunisia, page 8-9. *See* recommendation 114.45 (Greece) in A/HRC/21/5.
[69] JS6, Submission to the UPR of Tunisia, pages 7, 8. *See also* recommendations 114.47 (Greece), 114.48 (Republic of Korea), 114.49 (Botswana), 114.50 (Ireland), 114.52 (Switzerland), 114.53

(Japan), as well as 114.51 (Morocco), 114.52 (Switzerland), 114.53 (Japan), 114.54 (United Kingdom), 115.9 (Austria), 115.10 (Sweden), 115.11 (Kyrgyzstan), 115.12 (Czech Republic), 115.13 (Sweden), specifically referenced in the submission. All recommendations in this note are in A/HRC/21/5.

[59] JS6, Submission to the UPR of Tunisia, page 8-9; *See also* recommendations 116.7 (Portugal), 116.8 (France, Ireland, Norway, Uruguay), 116.9 (Hungary), 116.10 (Belgium), 116.11(Spain) in A/HRC/21/5/Add.1.

[60] Alkarama, Submission to the UPR of Tunisia, page 2.

[61] JS3, Submission to the UPR of Tunisia, page 12.

[62] HRW, Submission to the UPR of Tunisia, page 8.

[63] AI, Submission to the UPR of Tunisia, page 4.

[64] ODTL, Submission to the UPR of Tunisia, page 3.

[65] AI, Submission to the UPR of Tunisia, page 7.

[66] HRW, Submission to the UPR of Tunisia, page 7.

[67] AI, Submission to the UPR of Tunisia, page 7.

[68] HRW, Submission to the UPR of Tunisia, page 8.

[69] ODTL, Submission to the UPR of Tunisia, page 3.

[70] ODTL, Submission to the UPR of Tunisia, page 5.

[71] Alkarama, Submission to the UPR of Tunisia, page 7.

[72] JS10, Submission to the UPR of Tunisia, page 13.

[73] JS3, Submission to the UPR for Tunisia, page 8.

[74] Alkarama, Submission to the UPR of Tunisia, page 4.

[75] Alkarama, Submission to the UPR of Tunisia, page 4.

[76] JS3, Submission to the UPR for Tunisia, page 11.

[77] Alkarama, Submission to the UPR of Tunisia, page 4.

[78] SA, Submission to the UPR for Tunisia, page 6.

[79] A/HRC/21/5, paras.114.26-34, 36, 39-43, 53, 79, 115.1, 2, 4-9.

[80] The Association of Tunisian Magistrates, Submission to the UPR of Tunisia, page 2.

[81] HRW, Submission to the UPR of Tunisia, page 2. See recommendation 114.28 (Kyrgyzstan) in A/HRC/21/5.

[82] The Association of Tunisian Magistrates, Submission to the UPR of Tunisia, page 4.

[83] HRW, Submission to the UPR of Tunisia, page 2. See recommendation 115.1 (Sudan) in A/HRC/21/5.

[84] Alkarama, Submission to the UPR of Tunisia, page 4 and 5. Recommendations 114.26 (Mexico, Azerbaijan, Slovakia, United Arab Emirates, Peru, Turkey), 114.28 (Kyrgyzstan), 114.29 (Malaysia), 114.31 (United Kingdom) 114.32 (Belgium) in A/HRC/21/5.

[85] The Association of Tunisian Magistrates, Submission to the UPR of Tunisia, page 4.

[86] Alkarama, Submission to the UPR of Tunisia, page 2.

[87] HRW, Submission to the UPR of Tunisia, page 2. See recommendation 114.40 (Togo) in A/HRC/21/5.

[88] Alkarama, Submission to the UPR of Tunisia, page 2.

[89] JS6, Submission to the UPR of Tunisia, page 2-3.

[90] HRW, Submission to the UPR of Tunisia, page 5.

[91] JS6, Submission to the UPR of Tunisia, page 2.

[92] HRW, Submission to the UPR of Tunisia, page 6.

[93] HRW, Submission to the UPR of Tunisia, page 6.

[94] JS4, Submission to the UPR of Tunisia, page 10. JS4 made reference to recommendation 114.42 (Belgium) in A/HRC/21/5.

[95] JS3, Submission to the UPR for Tunisia, page 10.

[96] ODTL, Submission to the UPR of Tunisia, page 5.

[97] The Association of Tunisian Magistrates, Submission to the UPR of Tunisia, page 4.

[98] A/HRC/21/5, paras.114.55, 57-60, 63, 64, 65, 117.2.

[99] JS5, Submission to the UPR for Tunisia, page 5.

[100] ADF, Submission to the UPR of Tunisia, page 1.

[101] ADF, Submission to the UPR of Tunisia, pages 4 and 5.

[102] JS10, Submission to the UPR of Tunisia, page 12.

[103] SA, Submission to the UPR for Tunisia, page 7.

[114] JS6, Submission to the UPR of Tunisia, page 5.
[115] JS6, Submission to the UPR of Tunisia, page 5-6.
[116] HRW, Submission to the UPR for Tunisia, page 3.
[117] HRW, Submission to the UPR for Tunisia, page 4. See recommendation 117.3 (Czech Republic) in A/HRC/21/5.
[118] JS10, Submission to the UPR of Tunisia, page 12.
[119] JS10, Submission to the UPR of Tunisia, page 11.
[120] CIDTL, Submission to the UPR of Tunisia, page 6.
[121] Article 19, Submission to the UPR for Tunisia, page 5.
[122] JS10, Submission to the UPR of Tunisia, page 7.
[123] JS10, Submission to the UPR of Tunisia, page 6.
[124] RSF, Submission to the UPR of Tunisia, page 3.
[125] JS6, Submission to the UPR of Tunisia, page 3-4. See also accepted recommendations 114.73,115.14.
[126] JS6, Submission to the UPR of Tunisia, page 3-4.
[127] JS10, Submission to the UPR of Tunisia, page 13.
[128] The Carter Center, Submission to the UPR of Tunisia, page 5.
[129] CIDTL, Submission to the UPR of Tunisia, pages 5 and 6.
[130] CIDTL, Submission to the UPR of Tunisia, pages 3 and 6.
[131] The Carter Center, Submission to the UPR of Tunisia, page 5.
[132] Freemuse, Submission to the UPR of Tunisia, pages 2 and 3.
[133] Freemuse, Submission to the UPR of Tunisia, pages 4-6. Recommendation 114.70 (Sweden), recommendation 114. 59 (USA), recommendation 115.4 (Canada) in A/HRC/21/5.
[134] Freemuse, Submission to the UPR of Tunisia, page 7.
[135] See A/HRC/21/5, para 114.8.
[136] JS4, Submission to the UPR of Tunisia, page 2.
[137] JS4, Submission to the UPR of Tunisia, page 8. Recommendation 116.12 (Japan) in A/HRC/21/5.
[138] See A/HRC/21/5 paragraphs 116.1-4.
[139] FI, Submission for the Universal Periodic Review of Tunisia, page 12.
[140] JS4, Submission to the UPR of Tunisia, page 10.
[141] JS1, Submission to the UPR of Tunisia, page 4.
[142] JS5, Submission to the UPR for Tunisia, page 7.
[143] JS1, Submission to the UPR of Tunisia, page 4.
[144] JS6, Submission to the UPR of Tunisia, page 9.
[145] JS1, Submission to the UPR of Tunisia, page 4.
[146] JS7, Submission to the UPR of Tunisia, page 9.
[147] A/HRC/21/5 paragraph 114.95.
[148] SA, Submission to the UPR for Tunisia, page 6.
[149] For relevant recommendations see A/HRC/21/5, paras. 114.13,63 and 87.
[150] JS7, Submission to the UPR of Tunisia, page 13.
[151] A/HRC/21/5 paragraphs 114.2, 19, 21, 24, 70, 84, 90, 91, 115.15.
[152] CRL, Submission to the UPR of Tunisia, page 3.
[153] A/HRC/21/5 paragraphs 114.1-14, 24, 37, 70, 116.1-8, 12.
[154] JS1, Submission to the UPR of Tunisia, page 9.
[155] HRW, Submission to the UPR for Tunisia, page 9.
[156] JS4, Submission to the UPR of Tunisia, pages 2, 4 and 5.
[157] JS5, Submission to the UPR for Tunisia, page 6.
[158] JS4, Submission to the UPR of Tunisia, page 5.
[159] AI, Submission to the UPR of Tunisia, page 8.
[160] HRW, Submission to the UPR for Tunisia, page 9.
[161] JS4, Submission to the UPR of Tunisia, page 1.
[162] JS4, Submission to the UPR of Tunisia, page 9.
[163] JS1, Submission to the UPR of Tunisia, page 5 and 6.
[164] JS7, Submission to the UPR of Tunisia, page 13.
[165] JS1, Submission to the UPR of Tunisia, page 10.
[166] JS7, Submission to the UPR of Tunisia, page 13 et 14.
[167] JS1, Submission to the UPR of Tunisia, page 10.

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